

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RANDALL KEITH BEANE AND
HEATHER ANN TUCCI-JARRAF,

Defendants.

Case No.: 3:17-CR-82

VOLUME I of VIII

JURY TRIAL PROCEEDINGS
BEFORE THE HONORABLE THOMAS A. VARLAN

January 23, 2018
9:16 a.m. to 5:00 p.m.

APPEARANCES:

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1 (Call to Order of the Court)

2 THE COURT: Thank you. Good morning, everyone.
3 Let's call up the case for trial, please.

4 THE COURTROOM DEPUTY: Criminal Action 3:17-CR-82,
5 United States of America versus Randall Keith Beane, Heather
6 Ann Tucci-Jarraf.

7 THE COURT: All right. Thank you. Looks like
8 everyone is present, counsel for the government and the
9 government representatives; the defendant, Ms. Tucci-Jarraf,
10 and her standby counsel, Mr. Lloyd; and the defendant,
11 Mr. Beane, and his standby counsel, Mr. McGrath.

12 Before we have jury selection in this case, I want to
13 address a few preliminary matters.

14 First is jury selection. I want to briefly remind
15 the parties how jury selection will proceed in this case. As I
16 informed you last week at the final pretrial conference, the
17 Court will conduct all of the voir dire in this case, that is
18 the questioning of prospective jurors as permitted by Federal
19 Rule of Criminal Procedure 24(a).

20 The Court also ordered the parties to submit any
21 proposed jury questions they wished the Court to ask by
22 Wednesday, January 17, and the Court later amended this
23 deadline to permit the parties to submit proposed questions by
24 Thursday, January 18, in light of requests made last week due
25 to the inclement weather.

UNITED STATES DISTRICT COURT

1 The Court did receive proposed jury questions from
2 the government and from the defendant, Mr. Beane. However, the
3 Court then received a subsequent filing from Defendant Beane
4 that the Court interprets as a request to withdraw his proposed
5 voir dire questions or jury questions. Those two documents by
6 Defendant Beane being chronologically Document 89 and
7 Document 99 in the record.

8 The Court has nonetheless carefully reviewed all of
9 these filings and will exercise its discretion under Rule
10 24(a) (2) (B) to determine which questions it considers proper to
11 ask the prospective jurors. The Court will also ask -- as it
12 stated last week, will ask a number of its own questions.

13 The Court will not inform the jury panel whether a
14 particular question was suggested by the government,
15 defendants, or the Court itself, but will inform the jury panel
16 that the parties had the opportunity to submit proposed
17 questions and that the Court will be conducting the jury
18 questioning in its entirety.

19 After the conclusion of the questioning, as a
20 reminder, the parties will be permitted to exercise their
21 peremptory challenges in the manner we discussed at the final
22 pretrial conference. That, again, being up to seven peremptory
23 challenges by the government and up to 11 peremptory challenges
24 combined by the defendants. I also remind you that any
25 challenge for cause, other than those directly addressed by the

UNITED STATES DISTRICT COURT

1 Court during the Court's questioning, should be made at the
2 time any for-cause challenge is brought to the attention of any
3 of the respective parties.

4 So does anyone have any questions about the
5 procedures for jury selection in this case?

6 Ms. Davidson?

7 MS. DAVIDSON: Yes, Your Honor. Rule 24 provides
8 that follow-up questions could be submitted. Is that -- are we
9 allowed to submit follow-up questions to you if we have them?

10 THE COURT: It provides it could. Let's see at the
11 end. I'll make that determination, see if anyone has any.

12 MS. DAVIDSON: Okay. Thank you, Your Honor.

13 THE COURT: All right. Ms. Tucci-Jarraf, any
14 questions about jury selection?

15 MS. TUCCI-JARRAF: I don't have any questions about
16 jury selection, but I would like to address a preliminary
17 matter, which was just brought to my attention, and I still
18 need to -- I just received the document, and I need to be able
19 to go over it with Francis.

20 THE COURT: All right. We'll give you the
21 opportunity in just a moment.

22 But let me -- Mr. Beane, any questions about jury
23 selection?

24 MR. BEANE: No.

25 THE COURT: All right. Then the next matter I want

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1 to take up, and I don't know if this is the document to which
2 you're referring, Ms. Tucci-Jarraf, but the government filed --
3 excuse me -- I believe it was yesterday, a motion to amend the
4 indictment to correct a clerical error, which is Document 97 in
5 the record.

6 The Court had reviewed that motion, but was going to
7 give the defendants, if there is anything further you want to
8 say regarding that particular document, Ms. Tucci-Jarraf, or if
9 you want to refer -- defer to Mr. Lloyd, either way, do you
10 have anything you want to say with respect to Document 97, the
11 government's motion to amend the indictment to correct a
12 clerical error?

13 MS. TUCCI-JARRAF: I haven't reviewed or received --
14 apparently, Francis did that. He sent it over with a number of
15 documents. I received various documents over the last 48 hours
16 from the Department of Justice and as well as -- I believe
17 it's -- it's a division of Department of Justice.

18 And then also I just received notice of Mr. Beane's
19 filings, as well as Document 100, I believe it is, which was
20 entered in for yourself. And I haven't had a chance to review
21 any of these.

22 So at this time, I'm going to reserve any kind of
23 response until I'm actually able to review it and to make an
24 informed response.

25 THE COURT: All right. Mr. Beane, do you have

UNITED STATES DISTRICT COURT

1 anything you'd like to say in response to the government's
2 motion to amend the indictment?

3 MR. BEANE: Just that there's not been time to review
4 any of the documents that were just handed and make
5 appropriate --

6 THE COURT: Well, as the Court reminded the
7 individual defendants at the final pretrial conference, while
8 certainly you have chosen, you have the right to represent
9 yourselves and use standby counsel as you see fit, nonetheless,
10 you are bound by the same rules of procedure and adherence to
11 the rules of evidence that an attorney would be in this case.

12 So the Court did receive the motion to amend and is
13 prepared to rule on it at this time.

14 In that regard, the Court notes that generally an
15 indictment in a criminal case may not be amended --

16 MS. TUCCI-JARRAF: I was just -- you told me on the
17 12th to just stand and you would notice and then --

18 THE COURT: But not while I'm giving an order, while
19 I'm announcing an order. I'll give you the chance to address
20 any further matters you want to after the Court rules on the
21 government's motion to amend.

22 MS. TUCCI-JARRAF: Is this the motion that was filed
23 today -- I mean, excuse me, yesterday?

24 THE COURT: Yes. Document 97.

25 MS. TUCCI-JARRAF: That we haven't been able to

UNITED STATES DISTRICT COURT

1 review?

2 THE COURT: Well, it was filed yesterday.

3 MS. TUCCI-JARRAF: Yes, but we don't have access to
4 the electronic, so we are dependent upon counsel. Mr. Beane,
5 from my understanding, is incarceration, doesn't have access to
6 that until he meets with his counsel, which was brought this
7 morning. I didn't have an opportunity to go over it with
8 Francis either because I just was handed the actual document.

9 THE COURT: Okay. Thank you.

10 MS. TUCCI-JARRAF: And this Court is going to make a
11 ruling in this moment?

12 THE COURT: The Court is. The Court has reviewed it
13 and does note that when an amendment -- proposed amendment to
14 an indictment concerns a matter of form rather than substance,
15 an amendment is proper unless there is resulting prejudice from
16 the amendment.

17 Furthermore, Federal Rule of Criminal Procedure
18 7(c)(2) provides that unless the defendant was misled and
19 thereby prejudiced, neither an error in a citation nor a
20 citation's omission is a ground to dismiss an indictment or
21 information or to reverse a conviction.

22 The Sixth Circuit has further held that the
23 recitation of specific facts contained within the indictment
24 alone is sufficient to adequately inform a defendant of the
25 nature of the charges. The Court in that matter, paraphrasing

UNITED STATES DISTRICT COURT

1 or quoting from the Sixth Circuit 1976 decision, United States
2 v. Garner. Thus, the Sixth Circuit has upheld amendments of
3 the indictment, even as of the time of trial to correct an
4 erroneous statutory citation, the Court reviewing, among other
5 cases, United States v. Fruchtman, F-r-u-c-h-t-m-a-n, a Sixth
6 Circuit 1970 case.

7 Here, after reviewing the government's proposed
8 amendment and doing its own independent research and review,
9 the Court finds that the requested amendment is one of form,
10 not substance. Subparagraph 19(a) of the indictment includes
11 language referencing the statutory elements of a violation of
12 18 United States Code Section 1956(a)(1)(A)(i), thus, the
13 defendants were put on notice of the substantive charge against
14 them. The fact that this subparagraph of the indictment then
15 erroneously references Section 1956(a)(1)(B)(i) is, under Rule
16 7(c)(2), not a basis for dismissing the indictment.

17 Furthermore, the Court finds that the defendants
18 would not be prejudiced or misled by this error or the
19 requested amendment. Instead, the language of the indictment
20 was sufficient to inform the defendants of the substantive
21 offense which subparagraph 19(a) alleges they conspired to
22 commit.

23 Accordingly, the Court will grant the motion to
24 amend, and the Court orders that subparagraph 19(a) on Page 6
25 of the indictment is amended to reference, quote, Title 18

UNITED STATES DISTRICT COURT

1 United States Code Section 1956(a)(1)(A)(i), close quote,
2 rather than, quote, Title 18 United States Code
3 Section 1956(a)(1)(B)(i), closed quote.

4 That addresses the motion to amend.

5 Are there any other preliminary matters that the
6 parties want to address?

7 MS. DAVIDSON: No, Your Honor.

8 THE COURT: Ms. Tucci-Jarraf, you indicated there was
9 something you wanted to address?

10 MS. TUCCI-JARRAF: Yes. Thank you.

11 In regards to this particular motion, I'm sorry, what
12 is the document number, because it's not stated on here?

13 THE COURT: This is the motion the Court --

14 MS. TUCCI-JARRAF: Motion you just ruled on.

15 THE COURT: Motion to amend was Document 97, I
16 believe, as filed by the government.

17 MS. TUCCI-JARRAF: Okay. So Document 97, along with
18 your order, later today, there will be -- or tomorrow morning,
19 there will be a written version entered into the record of my
20 oral due rejection at this moment of both Document 97 as well
21 as your order for lack of verification and validation of
22 authority, authorization, identity, and endorsement. It is
23 duly rejected without dishonor for due cause.

24 This is accepted as proof of exactly the national
25 security threats that this case has been put in place to be

UNITED STATES DISTRICT COURT

1 able to ferret out so that things could be changed within the
2 judicial branch. Legislative branches are held by other
3 universal cleanup crews.

4 This particular instance, which I'm going to make on
5 oral record, and then I will file the actual written one as an
6 example of when an indictment is duly canceled for due cause
7 without dishonor, that this is a particular method for DOJ, as
8 well as this Court, to go in and reactivate an indictment
9 unlawfully and illegally, what we call a fabrication of
10 charges.

11 And that particular indictment was canceled,
12 praeterea, preterea, ab initio, so I just wanted to make that
13 part of this record -- excuse me -- and I don't consent or give
14 authority, authorization for Cynthia Davidson to file such a
15 blatant deceptive act and practice to reinstate an indictment,
16 which had already been duly canceled, without my authorization
17 to reinstate it, and as well as putting you into a position
18 where you have to issue an order, which essentially legalizes
19 such deceptive acts and practices.

20 Thank you.

21 THE COURT: All right. Thank you.

22 Mr. Beane, anything further you need bring up on your
23 own behalf?

24 MR. BEANE: No.

25 THE COURT: All right. Then the Court does duly

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1 consider the additional comments made by the defendant,
2 Ms. Tucci-Jarraf, and to the extent they're made to ask the
3 Court to reconsider its oral order granting the government's
4 motion to amend the indictment, the Court would deny that
5 motion for reconsideration.

6 All right. Unless there are any other preliminary
7 matters, what we'll do next is we'll take about a ten-minute
8 recess. I would ask the parties to stay seated, unless they
9 take a brief restroom break, but you can stay in here and talk
10 or discuss, if need be, and the jury will come and sit in this
11 middle section. And as soon as they're all present, the Court
12 will come back in to -- we'll open court again, and we'll go
13 right into jury selection.

14 Thank you, everyone.

15 THE COURTROOM DEPUTY: All rise. This honorable
16 court shall stand in recess.

17 (Recess from 9:30 a.m. to 9:43 a.m.)

18 THE COURTROOM DEPUTY: All rise.

19 THE COURT: All right. Ms. Tucci-Jarraf -- thank
20 you, everyone may be seated -- the Court understands you'd like
21 to make an objection or something for the record before the
22 jury comes in?

23 MS. TUCCI-JARRAF: Thank you. That's very kind. I
24 was told that that wouldn't be possible till after. Thank you
25 so much for initiating that.

UNITED STATES DISTRICT COURT

1 We're preparing right now a written one just in the
2 event that it was permitted. I now give you notice to
3 principal, which is notice to agent, notice to agent is notice
4 to principal, that orally -- and I will file a written one
5 afterwards to what I say now -- is I'm making a standing notice
6 of filing with the standing due declaration and notice that is
7 duly made, that I, Heather Ann Tucci-Jarraf, do not consent to
8 the actions and proceedings against me to be held and conducted
9 by Thomas Varlan, Cynthia Davidson, including a trial and the
10 jury selection and any other proceeding.

11 Also, number two is that this alleged Court,
12 including yourself, Thomas Varlan, and Cynthia Davidson,
13 Department of Justice do not have the authority, nor my
14 authorization, to conduct and hold any proceedings against me.

15 Thank you.

16 THE COURT: All right. Thank you. Anything further
17 from anybody else?

18 Ms. Davidson?

19 MS. DAVIDSON: Your Honor, I just am reminded of the
20 fact that Ms. Tucci-Jarraf is on bond and by order of this
21 Court. And if she does not consent to this Court's
22 jurisdiction, I am concerned that she is a flight risk. And I
23 think the Court should consider detaining Ms. Tucci-Jarraf.

24 THE COURT: All right. Thank you.

25 Anything further, Mr. Beane?

UNITED STATES DISTRICT COURT

1 MR. BEANE: No.

2 THE COURT: All right. Then let's go ahead and we're
3 going to go ahead and bring our jury in at this time -- your
4 proposed jurors in at this time.

5 (Prospective Jurors in at 9:45 a.m.)

6 (Whereupon, voir dire, preliminary instructions, and
7 Government's opening statement were had and reported but not
8 herein transcribed.)

9 THE COURT: Thank you, Ms. Svolto.

10 And, again, remind the jury, the defendants
11 informed -- each individually informed the Court that they are
12 waiving opening statements at this time or deferring them until
13 a later time.

14 So with opening statements having been concluded, we
15 will ask the government to call its first witness and give our
16 courtroom deputy just a moment here to move the podium.

17 You can go ahead answer announce your witness.

18 MS. DAVIDSON: Thank you, Your Honor. The United
19 States calls Special Agent Parker Still.

20

21

22

23

24

25

UNITED STATES DISTRICT COURT

Parker Still - Direct Examination

1 WHEREUPON,

2 **PARKER STILL,**

3 was called as a witness and, after having been first duly
4 sworn, testified as follows:

5 **DIRECT EXAMINATION**

6 THE COURTROOM DEPUTY: Have a seat, please. If you
7 will scoot in as close as you can, state and spell your name
8 for the record.

9 THE WITNESS: My name is Parker Still. P-a-r-k-e-r,
10 S-t-i-l-l.

11 THE COURTROOM DEPUTY: Thank you.

12 BY MS. DAVIDSON:

13 Q Special Agent Still, what do you do?

14 A I'm a special agent with the FBI, currently assigned
15 to the Knoxville division.

16 Q Okay. And how long have you been with the FBI?

17 A I've been with the FBI approximately five and a half
18 years.

19 Q And prior to the FBI, what did you do?

20 A Yes, ma'am. I was an attorney in private practice
21 for approximately seven and a half years, including time in
22 private practice and also with the military.

23 Q Okay. And so you mentioned a little bit about it.
24 What was your military experience?

25 A So I've been -- I was with the National Guard,

UNITED STATES DISTRICT COURT

Parker Still - Direct Examination

1 currently at the rank of major. I still am in, just in a drill
2 status, you know, just generally one weekend a month. I have
3 gone on deployment, though, to Afghanistan.

4 Q Okay. And so at the FBI as a special agent, do you
5 typically work a particular type of case?

6 A Yes, ma'am, I have -- since I've been assigned with
7 the FBI, again, approximately five and a half years, I have
8 always been in white-collar work.

9 So the FBI is divided up and generally into squads.
10 We may have a violent crime squad that does -- you know,
11 handles your bank robberies, your kidnappings, gang-related
12 stuff. You have a cyber squad, who does a lot with your
13 computer-based crimes. We have national security squads, the
14 Joint Terrorism Task Force, as well as white collar.

15 And in the world of white collar, the world I work
16 in, we work a lot of your typical bank fraud violations, your
17 wire fraud violations, your crimes that affect financial
18 institutions, corporate fraud type cases, kind of what you
19 think of the FBI's traditional, you know, white-collar
20 background.

21 Q Okay. And so are you -- did you work the case
22 against the defendants?

23 A I was one of the co-case agents on there, yes, ma'am.

24 Q Okay. And how did this case become initiated with
25 the FBI?

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1 A Okay. One of the ways the FBI gets cases is we rely
2 a lot on private citizens, complaints that come in. Within
3 that private citizen realm, also financial institutions are a
4 big source of information for us and how we get cases. And in
5 this case, USAA reached out through channels ultimately routed
6 to the FBI Knoxville division.

7 Q Okay. And when did that happen?

8 A During the approximate time period of July 10th. It
9 could be a day or two earlier than that, but during that
10 approximate time period of July 10th, 2017.

11 Q Okay. And when this case was initiated, what did you
12 learn?

13 A Well, initially, so when we had some information that
14 came in, what we normally do, the FBI, we talk to people.
15 That's our -- kind of our bread and butter, is we go out and we
16 like to talk to people. In this case, it was by phone.

17 But what we learned is that Mr. Beane, Mr. Randall
18 Beane had used a fraudulent account number in order to acquire
19 funds -- in order to purchase CDs. Those CDs were subsequently
20 liquidated, at least one or more of the CDs was liquidated and
21 he had then used those funds to purchase an RV.

22 Q Okay. And where did he attempt -- or where did he
23 actually purchase the RV?

24 A In Buddy Gregg, that's located in Knoxville,
25 Tennessee, off the -- I think that's Campbell Station exit out

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1 there in Farragut.

2 Q Okay. Did someone from the FBI actually reach out to
3 Buddy Gregg?

4 A Yes, ma'am. It's my understanding that we did reach
5 out. Someone from our office did reach out to Buddy Gregg.

6 Q And what was your goal in reaching out to them?

7 A So if I may back up just one step there,
8 Ms. Davidson.

9 So our goal in reaching out to them, at the time, we
10 had information that the motor home was there or going to be
11 there. So in an effort to find out that additional
12 information, that's why they were reached out to, just to
13 determine where the motor home was at the time.

14 Q Okay. And were you seeking not only to find the
15 defendant, but also to protect the asset?

16 A Oh, absolutely. So, I mean, in this case, we had
17 half a mill -- half-a-million-dollar motor home. And what our
18 goal is to, a lot of times in these victim cases is, we want to
19 recover the asset for the victim. In this case, USAA is our
20 victim, and we have -- we know where the motor home is located.
21 Absolutely right.

22 We had multiple issues. One is safety. The -- if
23 Mr. Beane had gotten out on the open road, we had -- we don't
24 know. I mean, at this time, we don't know. We know he used
25 funds to purchase a -- used stolen funds to purchase an RV. We

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1 don't know anything else about, you know, what his ultimate
2 intent with that. It's 45 feet. You know, you can imagine
3 our -- what, you know -- the possibilities are unlimited.

4 And absolutely, we want to recover an asset for the
5 victim in any case. That's always one of our -- we want to
6 prosecute the bad guys and we want to get the assets.

7 Absolutely right. That's what the American public expects of
8 us.

9 Q Okay. And so did you learn from Buddy Gregg that the
10 defendant was coming to pick the RV up?

11 A We did. So our office is -- had information that
12 later in the day or at some time Mr. Beane would be out there
13 to purchase -- to pick that RV up. And to the point where
14 my -- at this point, I'm drafting an affidavit to put together
15 so we can go try to seize the motor home.

16 Q Okay. And did you have to act quick and go to get
17 Mr. Beane?

18 A Yeah. We did. We -- absolutely. So we had
19 information that came -- it was relayed down to me. So I'm at
20 the computer there working on this affidavit to go seize the
21 motor home. I think I'm speaking with Ms. Svolto and I
22 primarily and as you, Ms. Davidson, so we're getting this
23 information in.

24 All of a sudden, we have information that Buddy Gregg
25 is going to turn it over or he is going to leave in this motor

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1 home. So, yeah, it was similar to a bank robbery. I grabbed
2 Special Agent Jimmy Durand. We literally run towards the door.

3 Because, I mean, you got to understand where we're at
4 on this. We've got a motor home, an asset that is
5 potentially -- we don't know where it's going to be. And you
6 say, well, it's a 45-foot motor home. You may be able to find
7 it. I don't know. You just don't know. You don't know if
8 these things could be stripped down. A million different
9 things could happen.

10 So I literally jump up from the computer, I grab
11 Jimmy, and we start running towards the door to go out and stop
12 this transaction from taking place.

13 In the meantime, in the parking garage, we literally
14 go down our steps, I come across Special Agent Jason Pack,
15 Special Agent Joelle Vehec. I say, "Come with us. We've got
16 to get out to Buddy Gregg. We've got -- the motor home is
17 leaving." Task Force Officer Jaron Patterson is also involved,
18 and I think additional Knox County deputies were contacted all
19 in this time frame.

20 So we're out trying -- yes, we're flying down 40,
21 lights on, to get out there and stop this transaction.

22 Q Okay. And before you went out there, did you do a
23 records search to see whether or not there was an outstanding
24 warrant?

25 A Yeah. Our office did. There was -- it was

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1 information that was provided down to me was, there was an
2 outstanding state court warrant on this individual, Mr. Beane.

3 Q Okay. So you went out there intending to arrest
4 Mr. Beane?

5 A Right. We went out there -- right. We had a state
6 court warrant that we could arrest on. So, yes, ma'am.

7 Q Okay. And when you arrived at Buddy Gregg, what was
8 going on?

9 A Okay. So the way it goes down is, Jimmy is driving.
10 I'm in his car. So Jimmy pulls up to the Buddy Gregg out there
11 in Farragut, and we see Mr. Beane walking across the parking
12 lot. At the time, it's Jimmy and I are there first, and we
13 wait on Jason and Joelle to get there. So they come circling
14 behind. At that time, we've got four agents. And we make an
15 approach on the motor home that is in the Buddy Gregg parking
16 lot.

17 Q How did you know that it was Defendant Beane? Had
18 you researched what he looked like?

19 A Yes, ma'am. We had -- you know, I think at the time
20 maybe that was the DL photo we had. But we knew. I'm pretty
21 sure we had a photograph of him right there, yes, ma'am.

22 Q Okay. And so did he enter the motor home?

23 A Yes. Ultimately, by the time we get up to there --
24 so kind of the way it's set up, the motor home is on the hill,
25 Jimmy and I approach first. Jason, and he's got Joelle with

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1 him in the vehicle, they pull in and kind of block the motor
2 home straightaways. So you've got Jimmy and I on foot. And
3 you've got Jason and Joelle blocking the motor home. At this
4 time, the motor home is running. And Jason pulls right in
5 front of it and we proceed to go into the motor home.

6 Q Okay. And so did you approach the door of the motor
7 home?

8 A Yes, ma'am. We did approach the door, and we've been
9 able to establish that at that time, the door was -- the door
10 was closed. And also based on all the agents at the scene,
11 there were announcements that were made. So now we've got --
12 Jason kind of comes around the back and Joelle is still towards
13 the front. And, ultimately, the door is opened and the --

14 Q After y'all are making demands for them to open the
15 door?

16 A Right. Exactly. Based on all the agents there,
17 there's various things that are said. And then the door is
18 opened and Jimmy and I enter into the motor home.

19 Q Okay. Do you -- are there more than just Mr. Beane,
20 the defendant, in the motor home?

21 A Right. So there are two other people there. It's my
22 understanding, I believe that one, the gentleman, the male
23 stepped out of the motor home first and the female remained in
24 the motor home. There's a total of three. There's definitely
25 three. There is Mr. Beane in the driver's seat with the motor

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1 running of this motor home. There's at this time an
2 unidentified female and unidentified male also.

3 Q Was Mr. Beane requested to leave the motor home?

4 A Yes. Jimmy -- I mean, there was dialogue back and
5 forth. Ultimately, Mr. Beane refused to leave the motor home.
6 So he's in the driver's seat. You've got two agents here,
7 you've got an agent behind us. You got kind of Joelle in the
8 perimeter, and then we've got a car blocking this motor home
9 that's running at the time, you know.

10 And so he refuses the commands to get up. Makes a
11 movement towards -- kind of towards his waistband when we
12 approach. We immediately grab Mr. Beane. He is passed out,
13 because kind of -- excuse me, I did not mean passed out in the
14 literal sense. He's passed kind of -- as a technique we
15 normally use, he's removed from his seat, kind of handed down
16 to Jason who's sitting, who's behind us. It's not a -- it's a
17 fairly tight squeeze, you know, for a couple of folks. He's
18 passed down behind us and ultimately taken outside the motor
19 home at that point.

20 Q Is he resisting during this time?

21 A He is resisting. And I told him to stop resisting.
22 You know, I did make that command to him. He's passed down and
23 then ultimately outside. Once he's outside, Jason and Jimmy
24 are able to get him secured and put him in handcuffs.

25 Q Okay. When he's passed down, did he continue to

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1 resist?

2 A He did. He continued to resist. Even while Jimmy
3 was putting the cuffs on him at the end, he was continuing --
4 you know, ultimately, he did stop resisting once Jimmy was able
5 to get his arms -- hands behind his back.

6 Q Did you have to put him on the ground?

7 A He did. He was what we refer to as proned out. You
8 know, I mean, he was out on the concrete right there on the
9 side there.

10 Q Okay. Were you -- after he was arrested, were you
11 asked to contact anyone by the defendant's friends?

12 A Yes. I was provided a piece of paper with the name
13 Heather on it. And it contained a phone number. And at this
14 time, it was represented at the scene to us that this was an
15 attorney or someone we should call, yes, ma'am.

16 Q Okay. And I'm going to show you what's marked as
17 Government's Exhibit 1. If you look in front of you, there's
18 an exhibit folder.

19 A Okay.

20 Q And just turn to No. 1.

21 A Okay. I'm there.

22 Q Do you recognize those pictures?

23 A Yes. That is the motor home that was -- that
24 Mr. Beane was on the day that was purchased with stolen money.

25 Q Is that -- are those pictures an accurate

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1 representation of the RV as it looked the day of the arrest?

2 A Yes, ma'am. It was a new RV.

3 MS. DAVIDSON: Okay. Your Honor, I'd like to admit
4 Government's Exhibit 1 into evidence at this time.

5 THE COURT: So admitted.

6 (Government's Exhibit 1 admitted into evidence.)

7 BY MS. DAVIDSON:

8 Q Okay. If we could put up 1-1, and I just want you to
9 describe these pictures for me and the jury, 1-1.

10 A So 1-1, I'm looking at -- that's the front of the
11 motor home, that would have been where -- of course, this is
12 not -- this is -- this is at the point -- this photo appears to
13 be at our office, not at the scene. But that is where Jason
14 would have -- his vehicle would have been pointed right at
15 that.

16 Q Okay. And 1-2?

17 A That's the side of the motor home.

18 Q Okay. And slides that are slid out, is that how that
19 works?

20 A That's my understanding, yes, ma'am, that it's pretty
21 fancy.

22 Q Okay. And 1-3.

23 A That's just a long shot of the motor home.

24 Q Okay. 1-4?

25 A That's the back of the motor home there. You see

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1 it's an Entegra Cornerstone.

2 Q 1-5?

3 A Again, another shot of the back of the vehicle. As
4 you'll note, it looks like there's still dealer tags on there.

5 Q Okay. 1-6?

6 A That's a side shot of the motor home. It looks like
7 from this angle that the -- again, the -- those extensions are
8 there.

9 Q 1-7?

10 A That's another shot of it from the front.

11 Q 1-8?

12 A That is -- that's looking -- the front -- the door is
13 open there going into the -- to the motor home.

14 Q 1-9?

15 A Yeah. Another inside shot of the motor home.

16 Q Okay. 1-10?

17 A Yeah. That's inside of it as well.

18 Q 1-11?

19 A Yes, ma'am. Inside shot. I think you can see that
20 fireplace right there.

21 Q Oh, there's a fireplace.

22 A Pretty sure, yeah.

23 Q Okay. 1-12?

24 A Again, just another angle of the inside.

25 Q And if you could focus on the driver's side chair.

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1 Is that -- is that the chair that the defendant refused to
2 leave?

3 A Right. He was in the driver's seat of the motor
4 home.

5 Q Okay. 1-13?

6 A Oh, yes, ma'am. The -- again, another shot there.
7 You can see the two chairs up front.

8 Q 1-14?

9 A Just the kitchen area of the motor home.

10 Q 1-15?

11 A Yes, ma'am. The kitchen area there. I think that's
12 a microwave on top.

13 Q 1-16?

14 A Again, another inside shot of the motor home.

15 Q And are those marble or tile floors?

16 A Not sure, but they're nice.

17 Q 1-17?

18 A Yes, ma'am. That's another shot. I believe that's
19 in the bathroom there.

20 Q 1-18?

21 A Yeah. Again, another nice counter.

22 Q 1-19?

23 A Yes, ma'am. That's a good shot there, the nice
24 counter again.

25 Q 1-20?

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1 A Yes, ma'am. That's another inside shot.

2 Q 1-21?

3 A Yes, ma'am. That's another shot. You see the fan
4 there.

5 Q Is this the bedroom, you think?

6 A I think so. I'm trying -- I think that is the
7 bedroom there.

8 Q Okay. 1-21?

9 A Yes, ma'am. Another -- just kind of angle of the
10 inside there.

11 Q 1-22?

12 A Just shows the -- I don't know if that's crown
13 molding. My wife, I would defer to her, but I think that's --
14 it's fancy, yeah.

15 Q 1-23, 1-24?

16 A Inside, again, yes, ma'am. Just shows how nice this
17 thing is.

18 Q 1-25?

19 A Yes, ma'am. I think that may be the inside of the
20 shower there.

21 Q There's two bathrooms in this. Is this a separate
22 bathroom? 1-20 -- what am I up to? 1-27?

23 A Yes, ma'am. That's going to be the -- as you can see
24 there, you can see a shower head.

25 Q 1-28?

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1 A That's a better shot there of the detached shower.

2 Q 1-29?

3 A Again, I -- crown molding.

4 Q 1-30?

5 A Yes, ma'am. That's showing again some of that.

6 Q 1-31?

7 A I think that's the -- so it opens up underneath.

8 That's where the storage compartments are, yes, ma'am.

9 Q 1-32?

10 A Again, that's showing the -- just a lot of storage.

11 Q 1-33, is that a TV?

12 A You know, it may be. I'm not exactly sure on that,
13 yes, ma'am.

14 Q Okay. And 1-30 -- whatever the next one is, 1-35?

15 A Yes, ma'am. Kind of the control center there.

16 Q 1-36?

17 A Again, that's more of the storage up underneath the
18 motor home.

19 Q 1-37 -- I'm sorry -- 6?

20 A Yes. That's mahogany. It's nice.

21 Q 1-37?

22 A Yes, ma'am. It's a nice area for your drinks there.

23 Q 1-38?

24 A That's going to be a glare. I think that's the
25 bedspread there.

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1 Q Uh-huh. And then some clothes you see?

2 A Yes, ma'am.

3 Q 1-39?

4 A Right. Just some miscellaneous items that were in
5 the motor home.

6 Q 1-40?

7 A Refrigerator with appears to be some alcohol in there
8 or drinks.

9 Q 1-41?

10 A Again, just another length-wise shot showing the
11 detail of that motor home.

12 Q Is that it? Or is there 1-42? 1-42?

13 A Another outside shot, Ms. Davidson.

14 Q Okay. And in your investigation, did you learn that
15 the defendant also purchased another vehicle?

16 A Yes, ma'am. At the time, we didn't initially know
17 that, but we did later on learn that the defendant had bought a
18 truck approximately 80, \$86,000 from Ted Russell. It's my
19 understanding that the -- ultimately that truck was delivered
20 back to Ted Russell, but, yes, ma'am.

21 Q And did you ever contact the defendant Heather Ann
22 Tucci-Jarraf?

23 A Yes, ma'am. We did. You know, at the scene, we were
24 given a piece of paper and a phone number. As I said, you
25 know, the FBI, what we do is we talk to folks. So of course,

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1 I'm going to reach out to the name Heather and that number, who
2 we believed by that time to be Ms. Heather Ann Tucci-Jarraf.
3 And during that call, she specifically referenced that she was
4 planning military operations.

5 Q And did she identify herself as an attorney?

6 A During that time period, she -- it was being held out
7 as an attorney.

8 Q And after you -- did she end the call after that,
9 telling you that she was planning military actions?

10 A Yes, ma'am. So Jason and I were on that call, and we
11 tried -- I remember it seemed like it was on a Friday night I
12 think we tried to call her back and didn't have any luck.

13 Q Did you do any research to determine whether or not
14 the defendant, Ms. Heather Ann Tucci-Jarraf, is actually an
15 attorney?

16 A Our office did some and determined she was not
17 licensed in the state of Tennessee or in the state of
18 Washington.

19 Q And why did you look into Washington?

20 A Because I think if I remember right, some of our
21 database checks that we would do normally, you know, on an
22 individual showed an address in Washington, yes, ma'am.

23 MS. DAVIDSON: Okay. May I have a minute, Your
24 Honor?

25 THE COURT: Yes.

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1 BY MS. DAVIDSON:

2 Q Okay. Did you appear at a -- another hearing in this
3 case regarding the -- the identity of Heather Ann Tucci-Jarraf?

4 A Yes, ma'am. I appeared at multiple hearings in
5 Washington, D.C., subsequent to the arrest of Ms. Heather Ann
6 Tucci-Jarraf. She was arrested in Washington, D.C. after --
7 after the FBI and our office received information from the
8 United States Secret Service that she was trying to meet with
9 President Trump.

10 Q Okay. And are you familiar with the appearance of
11 Ms. Heather Ann Tucci-Jarraf?

12 A I am. Yes, ma'am. I've seen her in the -- in court
13 in Washington, D.C.

14 Q Okay. Can you identify Ms. Tucci-Jarraf? Is she
15 sitting in the courtroom?

16 A Yes, ma'am. To my right, to your left, I see
17 Ms. Heather Ann Tucci-Jarraf in a black coat there sitting at
18 defense counsel table.

19 Q Okay. And can you identify Mr. Randall Beane?

20 A I can. To my right, to your left, I see Mr. Randall
21 Beane in a suit with a black tie and a white shirt.

22 MS. DAVIDSON: Thank you, Your Honor. That's all I
23 have.

24 THE COURT: All right. Thank you.

25 Any cross-examination? We'll begin with you

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Parker Still - Cross-Examination

1 Ms. Tucci-Jarraf. Any cross-examination of this witness?

2 MS. TUCCI-JARRAF: Thank you. Without prejudice, I
3 will proceed.

4 **CROSS-EXAMINATION**

5 BY MS. TUCCI-JARRAF:

6 Q Hello, Mr. Parker.

7 A Hey, Ms. Tucci-Jarraf. How are you today, ma'am?

8 Q I'm good. I'm good.

9 A Thank you.

10 Q We both get our names right today.

11 Okay. So, Mr. Still, you stated that you've been
12 with the FBI for five and a half years and that seven and a
13 half years with private attorney and military JAG?

14 A That's correct, yes, ma'am. All approximately, yes,
15 ma'am.

16 Q Okay. I just wanted to clarify in your statement
17 about being a private attorney and military JAG for seven and a
18 half years, how much of that seven and a half years was private
19 attorney and how much of it was military JAG?

20 A Fair question. Yes, ma'am. So the great thing about
21 like where I was, the National Guard, you could do both. I was
22 never on active duty except when I deployed to Afghanistan.
23 So, you know, unless I was going to training or to drill or
24 something, I remained -- I had my law business.

25 And so, you know, I did get called up for a time

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1 period, like for Afghanistan. I'd go to training in
2 Charlottesville, Virginia where the Army JAG school is. So,
3 yeah, you know, so during that time period, there would be
4 intermittent, intermediate -- not real good with that word --
5 but times when I would be out of the office on military duty.

6 But even to get more specific, I'd say, I think
7 probably, I believe I practiced probably four years before I
8 actually went back and joined the military. So I think there
9 was a four-year period out of law school where I was just in
10 private practice before I joined the military.

11 Q So out of that seven and a half years, about four
12 years, four and a half years was private, did you ever operate
13 as a JAG attorney inside of a military tribunal?

14 A No, ma'am. No. I have never been -- I'm just -- let
15 me clarify, though, military tribunal there. Are you speaking
16 in an administrative action or an actual court-martial
17 proceeding?

18 Q Either.

19 A I don't think so. I mean, there is a -- I think I
20 was a legal -- I think I may have been a legal adviser in a
21 administrative separation action. That would be something like
22 maybe when we're throwing somebody out of the military for
23 doing drugs, something like that. You know, I very well may
24 have been legal adviser in some of those type proceedings.

25 Q Okay. So you've never conducted a trial inside of --

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1 for whether it was military administration action or a military
2 court-martial, you've never been the actual prosecuting JAG
3 attorney, you've just been a legal consultant?

4 A I don't think so. I mean, I hate -- you know, like I
5 said, now I've been in almost ten years. I don't think I have.
6 I'm sorry, that's the best answer I can give you. I don't
7 recall me being --

8 Q You don't recall ever -- I mean, isn't that something
9 you would recall, whether you did a military tribunal, whether
10 it was administrative or --

11 A Yes, ma'am. No, I mean, and I'm saying I do remember
12 one where I sat in as a legal adviser. I just -- I don't think
13 I ever conducted a military tribunal. One thing is, the
14 National Guard and Reserves in general, we don't do a lot of
15 UCMJ, you know, formal big trials, as you would think, you
16 know, like we're here today on.

17 Q Okay.

18 A UCMJ is Uniform Code of Military Justice too. I'm
19 sorry.

20 Q Got you. That's okay. One of our big family friends
21 was actually the head of all of the U.S. National Guard. So
22 I'm familiar with it. Thank you.

23 Okay. So you went on to discuss that you've been
24 with FBI for five and a half years. In your experience, you
25 just made passing comments as far as working in the specific

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1 unit of white collar crime. Have you ever worked in any other
2 unit?

3 A No, ma'am. But I would like to clarify. Just --
4 when you're talking about a small office like Knoxville, we
5 have -- so we have -- we don't have a huge office, like you
6 would maybe in New York or Washington field office or something
7 like that. So, yeah, we all help out. I mean, you better
8 believe if a child gets kidnapped today in Knoxville,
9 Tennessee, it doesn't matter what squad you're on, you're going
10 out there knocking on doors tonight.

11 Q I can appreciate that.

12 Okay. So in your white collar work for the FBI --

13 A Yes, ma'am.

14 Q -- you have certain protocols and procedures that you
15 need to follow in doing any kind of a case. And you had stated
16 at one point that you were working on an affidavit to seize the
17 vehicle, which Ms. Davidson had showed a whole bunch of photos
18 for, and you had -- were in the middle of working on it and
19 then you jumped up and left?

20 A That's correct. Yes, ma'am.

21 Q Okay. So my question is this, when you are doing
22 cases, how thorough are you on the details, the actual
23 investigation part? Do you -- are you thorough, are you
24 detailed, are you careful as far as reporting?

25 A Uh-huh. I feel like we very are, ma'am. And if

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1 you're talking specifically about this case, though, don't get
2 me wrong, though, that at the end of the day, we're going to
3 react.

4 And, I mean, if I'm in the middle of something, or --
5 you know, our ultimate job is to protect the American public.
6 And if it means react and I don't have time to get a piece of
7 paperwork done or something like that, you better believe I'm
8 going to react.

9 Q I can appreciate the comment that -- the actual quote
10 that you made, which was quote, prosecute the bad guys and get
11 the assets, end quote?

12 A Sounds about right.

13 Q You also stated -- you also stated that it is your
14 job, that you're there to protect property and the assets of
15 victims?

16 A Right. Yes, ma'am. I mean, you know, if someone has
17 something stolen or if -- I mean, in the white-collar world, I
18 mean, we're dealing with victims who have lost something
19 generally in the white-collar world, be it property, be it
20 funds, be it whatever. And part of our job is to try to make
21 as much recovery for them as we can. I mean, we want to gather
22 up as many assets as we can to try to make them whole, yes,
23 ma'am.

24 Q Okay.

25 A Uh-huh.

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1 Q So you do whatever you need to to protect a victim as
2 well as the assets, if possible?

3 A Well, I don't know if I'd use the term whatever I
4 need to. Within the boundary of the United States
5 Constitution, within the parameters of what the FBI does, yes,
6 ma'am. I wouldn't say I do anything necessary -- I mean,
7 anything, you know -- just to say the word "anything," but
8 definitely, you know, within the parameters, you know, of the
9 Department of Justice and FBI's guidelines, uh-huh.

10 Q So within the laws and the statutes and the codes and
11 the constitution and your own FBI policy standards. Is that
12 correct? That limits what kind of actions you can take?

13 A No, ma'am. I wouldn't limit. I wouldn't say that
14 even limits us. Because, I mean, in a state like Tennessee,
15 you know, where we have -- we have -- might even have -- in a
16 lot of states, we might have something called like a peace
17 officer status or something where we can even enforce the laws
18 of the State of Tennessee. So, I mean, it's hard to limit when
19 you start, you know, saying, you know, this code or that code
20 or this or that. So I can't agree to that statement.

21 Q So you would do -- you're stating that you could do
22 any actions regardless if there's codes, statutes, actual laws
23 that you're supposed to follow?

24 A No, ma'am. I can't do any actions. I am bound by,
25 you know, rules and regulations. And you did -- you said a lot

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1 of them that we are bound by, the United States Constitution,
2 the FBI internal rules, Department of Justice, big umbrella,
3 you know, that we fall under. State of Tennessee, you know, I
4 mean, there's a lot of rules and regulations out there.

5 Q Okay. And what are the laws regarding an arrest, a
6 physical arrest and detainment? What are the actual criminal
7 rules of procedure that you are required to follow, such as a
8 warrant to be able to take that, do you have to have a warrant
9 to be able to arrest someone?

10 A No, ma'am. I can arrest someone on probable cause
11 without a warrant. I don't need a warrant to arrest someone.

12 Q Okay. But let's go into the probable cause. That
13 day, do you believe that you had probable cause that day to
14 arrest Randy Keith Beane?

15 A Without a doubt, ma'am. He is sitting in a vehicle
16 purchased with stolen money with the vehicle running. You
17 better believe I had probable cause. I saw it with my own two
18 eyes.

19 Q Okay. And you stated that you -- that there are
20 basically two ways that you receive cases. You stated, one,
21 that you receive complaints, you rely on private citizens
22 making complaints, and the second one was that -- the second
23 one was that banks and institutions are a big source of your
24 cases received. Is that correct?

25 A Yes, ma'am. That's correct. But we do receive cases

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1 from other ways as well, you know.

2 Q What are some of those ways?

3 A Let's see, other ways, maybe another agency. That's
4 very likely, you know, somebody -- another agency may get us
5 involved in the white-collar world, the IRS Criminal
6 Investigation Division, or, you know, maybe the Securities and
7 Exchange Commission. Those are -- there's different avenues
8 that we get cases by, yes, ma'am.

9 Q So in this particular instance, you had made a
10 statement that on July 10th, you found out about the existence
11 of Randall Keith Beane and the possibility that a crime might
12 be occurring. Is that what you stated, July 10th?

13 A No, ma'am. I think I used the approximately given --
14 I think I even said, you know, give it a day or two on either
15 side -- or I think I said maybe even earlier. I used the word
16 "approximately."

17 Q And you stated that someone from your office reached
18 out to Buddy Gregg or was it that Whitney Bank or USAA Bank?
19 Who reached out to who first? Did an institution call you or
20 an individual, or did you reach out?

21 A I think in this case, just -- in the normal course,
22 we would have gotten the financial institution would have
23 reached out to us first, USAA.

24 Q USAA?

25 A Yes, ma'am.

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1 Q Uh-huh. And what day was that?

2 A You know, I -- again, I'm going to have to be
3 approximately of July 10th. I know I -- I know I believe based
4 on my 302s -- and a 302 is a memorandum. That's something that
5 we write. Just kind of, you know, if we do an interview or an
6 event takes place, we do a -- what we call a 302, which is
7 nothing more than a memorandum. And I was looking -- I think
8 on those were July 11th. I was actually talking with -- with a
9 representative from the USAA, but the information came in
10 before that, yes, ma'am.

11 Q And do you have an FBI agent named True Brown?

12 A It's my understanding that Mr. Brown is a retired FBI
13 agent who works for USAA.

14 Q So --

15 A That's just my understanding, ma'am.

16 Q -- the Federal Bureau of Investigations does not
17 have -- on July 11th or July 10th or around that time did not
18 have an active Federal Bureau of Investigation agent named True
19 Brown?

20 A I'd love to answer that question for you, ma'am, but
21 I don't -- the FBI, you know, has a lot of employees at a lot
22 of different places. And I can't -- it's my understanding that
23 Mr. True Brown that you're referencing is a retired FBI agent
24 that works for USAA in their financial crimes division, which
25 would be what a lot of different FBI agents do at the end of

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1 their career, is they go work for financial institutions.

2 Q Uh-huh. Okay. So on July 11th, let's go to that
3 date --

4 A Yes, ma'am.

5 Q -- if you would.

6 A Sure.

7 Q Now, you stated you were working on an affidavit to
8 seize this vehicle. You said it was 45 feet long. You were
9 concerned about safety if this vehicle had gotten out, you
10 know, it's 45 feet long, it could hurt someone, it could -- you
11 never know. And you wanted -- you're always there to protect?

12 A You never know. Looking to what just happened in New
13 York with somebody mowing people down, that stuff's going on
14 everywhere. We don't know. We know a vehicle is purchased
15 with stolen funds and we do not know what the intent of that
16 individual is to use with that vehicle.

17 Q So what actual information, when you were writing
18 this affidavit, okay, for the seizure of the vehicle --

19 A Right.

20 Q -- what actual information had you received that
21 there was actually a possible crime committed by Mr. Beane to
22 believe that the RV wasn't his?

23 A The information primarily from what I've stated from
24 USAA at the time. That's what we were relying on, that
25 information from USAA that is telling us that their money has

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1 been stolen.

2 Q Was there a complaint filed so it's in writing or was
3 this just a phone conversation?

4 A No. So we got some -- we had some written
5 information from USAA, and then we -- I believe I was
6 referencing back to my 302, again that -- the memorandum, where
7 I'm actually on the phone. We're conducting an interview with
8 Mr. Brown, at this time who you're referencing, to get all that
9 information, yes, ma'am.

10 Q Okay. So you found out about the funds approximately
11 the 10th?

12 A Uh-huh.

13 Q And on the 11th, you didn't have any kind of written
14 report from USAA, just that someone had stolen their money.

15 A We had just some -- some basic facts that were
16 provided to us by USAA in a document, yes, ma'am.

17 Q In a document?

18 A Yes, ma'am.

19 Q And that document is what document?

20 A I believe.

21 Q On USAA letterhead or --

22 A I think it was attached to an e-mail from USAA.
23 Again, and I followed up with an interview.

24 Q Uh-huh. And what was this attachment?

25 A There was some notes I know, like I was describing,

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1 and then I think there was some kind of maybe IP logs that
2 showed a -- where, you know -- just IP logs.

3 Q And that is what you used to make a determination
4 that a -- when you were working on an affidavit for the
5 warrant, because you have to basically have an application of
6 affidavit, an affidavit application for a warrant in order for
7 a warrant to be issued. Is that correct?

8 A You have -- yeah, well you have an affidavit that we
9 swear to, you know, facts, and then, yeah, it's -- yes, ma'am.
10 You would then, I guess, you -- yeah, there is an application,
11 an affidavit, and then you ultimately get an order from the
12 court -- from the magistrate judge, yes, ma'am.

13 But I'm not just working on that. I mean, we are
14 working on this from multiple angles. We've got people looking
15 into the background. We've got people -- like I said, I'm
16 working on the affidavit. We're trying to get calls in to USAA
17 to understand more detail.

18 Like I said, we were working on the affidavit. It is
19 not a finished product at this time. We are working on it. We
20 have credible, reliable information from one of the, you know,
21 a large financial -- United States financial institution that a
22 theft has occurred. And we are conducting an investigation
23 accordingly and reacting accordingly. Have no reason to doubt
24 USAA's information that they provided to us.

25 Q So at that point, you had determined that USAA Bank

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1 was the victim before looking at any other information?

2 A I -- at that time, yes. I mean, USAA has reached out
3 to us and provided me solid information about a theft that has
4 occurred and is -- and so, yes, we are focusing in on USAA to
5 get that information and to get that asset, yes, ma'am.

6 Q So they send you some IP logs showing that the actual
7 accounts and that money had -- how can you determine from that
8 that the money didn't actually belong to Randall Beane?

9 A You --

10 Q I mean --

11 A Sorry.

12 Q Yes.

13 A I didn't mean to interrupt.

14 Q I apologize.

15 A Go ahead. No. We were relying -- USAA -- we are
16 getting -- we were conducting an interview, you know, that
17 morning of, I believe it was with -- looking back on my 302, I
18 think it dates July 11th when, you know, we're interviewing
19 Mr. Brown and getting additional information.

20 This is what we do. We rely -- we have to rely on
21 financial institutions. When they're telling us that
22 they're -- when there's a theft that's occurred, we rely on
23 that information they've given us. Have absolutely no reason
24 to doubt, as I said earlier, anything that Mr. Brown or USAA
25 was relaying to us.

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1 Q So you put more weight on any kind of evidence or
2 statements that you get from a bank than you do from any other
3 individuals?

4 A Absolutely not. No, ma'am. I'm just -- at the time,
5 I mean, I take my -- we -- you know, I have -- unless somebody
6 gives me a reason to doubt them, I'm not going to doubt them.
7 You know, no difference if somebody comes in the FBI office
8 today and tells me, "Hey, look, I've got half a million dollars
9 stolen and, you know, Bob Jones did it, and he went out and
10 bought a half million dollars motor home," if I had no reason
11 to doubt that, then, yeah, I'm taking them at face value for
12 it. Just as if I had -- just as if we did USAA here.

13 Q You stated in your direct with Ms. Davidson that you
14 didn't have hardly any information on Randall Beane except for
15 his driver's license photo or the scan of his driver's license.
16 Did you ever give Mr. Beane an opportunity to -- without
17 assaulting him or kidnapping, did you ever approach him,
18 because I believe -- in this country, it's innocent before
19 proven guilty, you have a banker's statement, and with all the
20 bank fraud committed by the banks themselves, did you ever once
21 think let me get the other side of the story?

22 A Absolutely.

23 Q And the first time that you ever made contact with
24 Randall, was that when you guys passed him out?

25 A Let me -- let me -- I take --

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1 Q Please just answer the question --

2 A No. I'll --

3 Q -- yes or no, was the first time that you met Randall
4 on July 11th when your teams passed him out of the vehicle?
5 Was that the first time?

6 A The first time we ever met Mr. Beane was on
7 July 11th.

8 Q When you pulled him out of the RV. Is that correct?

9 A When I -- when we -- when we removed him from an RV
10 purchased with stolen money that was running.

11 Q Okay. I asked you, is that correct? And I can
12 appreciate --

13 THE COURT: Was the first time you met Mr. Beane was
14 when you approached him and took him out of the RV on or around
15 July 11th?

16 THE WITNESS: Yes, Your Honor.

17 THE COURT: All right. Go on to the next question.

18 MS. TUCCI-JARRAF: Thank you.

19 BY MS. TUCCI-JARRAF:

20 Q Okay. I want to keep this very --

21 A Oh, no, ma'am. I'm just -- I'm here to answer your
22 questions.

23 Q Okay.

24 A I'm happy to do so, as long as you want to ask them.

25 Q Okay. So at no other time prior to that had you

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1 actually tried to figure out whether that money could possibly
2 be Mr. Beane's?

3 A We had information from USAA, ma'am, that we --
4 credible, reliable information from their financial
5 investigators that this money was stolen. That's what we were
6 working with at the time.

7 Q Okay.

8 A Uh-huh.

9 Q So then I have a question for you, if your -- I get
10 your experience regarding investigating crimes.

11 A Sure.

12 Q Trying to locate them, I appreciate that.

13 A Yes, ma'am.

14 Q More than you could know. My question is, is how
15 familiar are you with actual banking, as far as how banking
16 actually works, money transactions actually work, the inner
17 workings of banking? Have you ever worked for a bank?

18 A No, ma'am. I have never worked for a bank.

19 Q Okay. Have you ever been an attorney in private
20 capacity, as far as a consultant or any other for a bank?

21 A You know, I did work some for a -- I did some work
22 for a bank. I don't know -- I wouldn't go as far as saying I
23 was in-house counsel or anything like that. But I have done
24 work for a bank, yes, ma'am.

25 Q Okay.

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1 A Generally, though, you know, involving, you know,
2 maybe a collection or something. Not -- not -- I think what
3 you're getting, at inner workings, not so much.

4 Q Inner workings would be similar to this -- the ACT
5 and the actual transfer systems.

6 A I'm not familiar with ACT.

7 Q So are you --

8 A You're speaking of ACH?

9 Q -- familiar with the actual transfer system which was
10 used for the transfer from the Federal Reserve to USAA or even
11 the wire transferring system from USAA to Whitney Bank? Are
12 you familiar with those systems and how they work?

13 A I have a general understanding of those, yes, ma'am.

14 Q Okay. General understanding, can you give me an
15 example of that? Because when someone says "general
16 understanding," these are complicated systems and yet they are
17 super simple. So I just need to know what your -- it can be
18 complex as far as technicality, technical, however, with APIs,
19 are you familiar with an API?

20 A No, ma'am. I'm not familiar with an API. Could you
21 give me a full definition of what an API is?

22 Q APIs are what are used for any kind of system -- when
23 there's a transfer, the API makes sure the data on this side
24 actually is what it is. And this side -- so if this side sends
25 over data for account number whatever it is, if it can't find

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1 that account number, it doesn't exist, no transaction actually
2 occurs.

3 That's why I'm asking, are you familiar with an API
4 or with an actual money transfer systems here in the Federal
5 Reserve System or in its member systems, which is still the
6 Federal Reserve System?

7 A I understand ACH transfers, automated clearinghouse
8 transfers. I understand a Fedwire. Yes, ma'am, I understand
9 those -- those type of transactions. I do have a -- you know,
10 a general understanding of how that works in the banking world.

11 Q And what's your understanding? You've just stated
12 earlier that based on the information that you received from
13 just USAA Bank at that point, and they made a statement and
14 gave you some IP screenshots or data information that you
15 determined that they were a victim, that someone had stolen
16 their money. So I need to know, we all need to know what is
17 your general understanding of the ACH financial transfer system
18 from money to any bank, including Federal Reserve, to any of
19 its member banks. What's your general understanding?

20 MS. DAVIDSON: Your Honor, I'm going to object to
21 this. I think it's outside the scope of direct. I'm not sure
22 that his banking understanding goes into the arrest in this
23 case.

24 THE COURT: Your response?

25 MS. TUCCI-JARRAF: Without prejudice, he stated that

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1 they literally went in, took this man out because he believed
2 that USAA Bank was a victim based off of the information.
3 We're trying to determine what information they had in order to
4 arrest Randall Beane without any kind of warrant at that point.

5 THE COURT: All right. I'll overrule the objection,
6 since we've gone down this line. Maybe we can finish it up.
7 But go ahead.

8 MS. TUCCI-JARRAF: Thank you.

9 THE COURT: Answer the question to the extent you
10 can.

11 THE WITNESS: Yes, Your Honor.

12 Ma'am, the general understanding of the ACH transfer
13 system and a Fedwire, is that your question?

14 BY MS. TUCCI-JARRAF:

15 Q My question is, just what is your general
16 understanding -- because were you the one that made the call to
17 go and arrest -- well, to arrest, we'll just say at this point,
18 to arrest Randall Beane and seize the vehicle? Were you the
19 one that made that call?

20 A You know, I think we -- I spoke to the U.S.
21 Attorney's Office to let them know what we were on the way to
22 do, yes, ma'am. I -- so I guess, yeah, I did. I was letting
23 know the U.S. Attorney's Office.

24 I think we're getting a little off track here. I
25 mean, you know, when an FBI gets a call that a bank is getting

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1 robbed, we don't sit there and say, "Hey, do you know" -- I
2 mean, we don't ask a million questions. We go. That's what we
3 did today or did then.

4 Q When a bank gets robbed, do you usually have a bank
5 robber and a banker and a gun or some kind of weapon and cash?
6 You're talking about, per Ms. Svolto's opening statement, that
7 he was robbing a bank? I'm asking you, because it appears from
8 what you have said that you believed that he had stolen money
9 using a transfer system that unless you are inside the Federal
10 Reserve Banking System and the IT source code dealing with the
11 source code and all that, most people don't know what it is.

12 A Yes, ma'am.

13 Q I'm asking you, because you are the one that
14 supposedly made the call, except for what inference you just
15 tried to make that U.S. attorneys might have some
16 responsibility as --

17 A No.

18 Q -- to the events that day, but that you made the call
19 to go in and arrest what you believed was the criminal to
20 protect what you believed at the time was the victim.

21 You stated that because of documents you had
22 received, which were IP coding and their e-mail, which we don't
23 know what was in it, but that they had been robbed, something
24 to that effect, that you believed that Randall Beane was
25 already a criminal and that the money could not have been his,

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1 just based on that.

2 So I'm asking, what is your general statement to make
3 a call that someone may be a victim and a criminal when there's
4 still a possibility without all the data or even just that
5 splice of evidence you may have had that perhaps Randall Beane
6 was the victim that day and USAA Bank was the criminal?

7 So I'm asking, do you -- what is your general
8 knowledge, because you said you have a general knowledge of
9 it --

10 A Yes, ma'am.

11 Q -- or general understanding. What is your general
12 understanding of the ACH transfer system?

13 A Of the -- my general understanding of the ACH, the
14 automated clearinghouse, is the system is commonly what they
15 call like a batch system where the -- the way it would work,
16 it's not immediate.

17 It's not like a Fedwire, which a wire transfer goes
18 immediately. Like when Mr. Beane sent -- or when -- caused the
19 transaction to be sent to Whitney Bank to be -- for the funds
20 with the stolen money to purchase the motor home. That was a
21 Fedwire, immediate transfer versus ACH sometimes takes a little
22 bit of time to do a reconciliation.

23 Q Okay.

24 A It's my general understanding.

25 Q Right. And you had stated that the IP showed the

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1 transactions that were done how many days prior to the -- what
2 was the actual date on the purchase -- sale of purchase?

3 A Of the RV?

4 Q Yeah.

5 A It's in that July 8th, 9th, 10th time frame, in that
6 approximate time frame.

7 Q Do you believe it was July 7th?

8 A Okay.

9 Q July 7th, which means that ACH transfers happen
10 sometimes before July 7th?

11 A Again, I'm not looking at bank -- I'm not trying to
12 dodge your questions by any means, ma'am. I don't -- I'm not
13 looking at any bank records here in front of me or anything
14 like that.

15 Q No, I understand that. I'm just asking, you had
16 stated that ACH takes longer to process, in your general
17 understanding and whereas Fedwires are --

18 A Fedwire, yes, ma'am. I understand -- as of today, I
19 understand Fedwire is immediate versus ACH takes -- is
20 sometimes -- I don't know if it's a day or two to do a
21 reconciliation.

22 Q No. I appreciate you taking the time --

23 A Yes, ma'am.

24 Q -- and for everyone taking the time to explain what
25 your general understanding is, so we know what information that

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1 you relied on for your actions --

2 A No.

3 Q -- taken that day.

4 A That day, I just want to be clear, I was not relying
5 on information about ACH or Fedwire. I was relying on
6 information that I had from USAA.

7 Q I understand that.

8 A May I finish, ma'am?

9 Q Uh-huh.

10 A Okay. That I was relying on information from USAA
11 that they -- that money was -- that a scheme was orchestrated
12 by Mr. Beane that I've described earlier and which resulted in
13 a loss to the bank, and that that money had then been used to
14 purchase a motor home, and he was about to leave in it, and I
15 had no idea what he was going to do with it.

16 Q And that was -- that information that he was about to
17 leave in it was from USAA?

18 A No, ma'am. The general information -- and I say
19 information, taking from all of what we're doing that day.

20 Q Okay. Then let's address that, because you had
21 stated when you were working on the affidavit, you just got up
22 and ran and grabbed -- I'm sorry I don't remember your
23 partner's name, but another colleague?

24 A Yes, ma'am. Correct.

25 Q Where did that information come from that would have

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1 you stop the lawful process, the criminal procedures you're
2 supposed to follow in order to have a warrant to be able to
3 arrest someone? What -- who called you with that information
4 that had you abandon protocols and process?

5 A I never --

6 Q For what you had stated was to protect victim and
7 asset?

8 A The argument that I abandoned protocols and process,
9 I strongly disagree with. I did not abandon anything. We
10 have -- we can make a probable cause arrest based on
11 information.

12 Just like tonight if I see a shoplifter running down
13 the aisle at Walmart, I can tackle them. You know, I can make
14 a probable cause arrest in Tennessee.

15 So let's -- I didn't abandon any type of protocols or
16 anything. Our job is to stop criminal activity. So I strongly
17 disagree with that assumption that we abandoned anything.

18 I was working on a seizure warrant. That is correct.
19 At the time I was working on a seizure warrant in coordination
20 with the U.S. Attorney's Office. Once the facts changed, and
21 Mr. Beane starts -- is -- plans to leave in that motor home or
22 it's going to be -- the keys are going to be turned over to him
23 at Buddy Gregg, we had to react. There was not time for me to
24 get in front of the magistrate judge. There was not time for
25 me to finish an affidavit. We had to react at the time.

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1 Q Okay. But what -- who called you to -- so that you
2 could make that call?

3 A Yeah.

4 Q Who called you with that information, was that USAA
5 Bank or was it Buddy Gregg? Who was it?

6 A It's my understanding that information was provided
7 to another task force officer in our office who then relayed
8 the information to me.

9 Q And was there a report done on that?

10 A A report? Not by me. I don't recall. I mean, we
11 did an arrest, 302 -- again, that's our -- I keep calling them
12 302. That's our memorandum. There's an arrest 302 that lays
13 out the events that took place that day.

14 Q Okay. So you're not sure who -- where that
15 information came from? It could come from anyone saying he was
16 going to leave -- I'm just stating, from your comments, you
17 don't know what that information came from, other than a
18 colleague receiving it from somewhere?

19 A No, ma'am. I -- I did not say a colleague receiving
20 it from somewhere. Buddy Gregg, it's my understanding as a --
21 that Buddy Gregg provided that information to one of our task
22 force officers who relayed that information to me that he was
23 leaving in the motor home. And you know what? When we got
24 there, he was leaving in the motor home. Pretty good
25 information. Stolen motor home.

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1 Q Did you also retrieve or seize at that time Randall
2 Beane's cash that he had already paid to Buddy Gregg three
3 days -- excuse me, four days prior to you taking him on the
4 11th?

5 A Did we seize the cash? No, ma'am. We ultimately
6 seized the motor home, not any cash that I'm aware of.

7 Q Okay. So on the 11th, you seized a motor home which
8 he had bought four days prior and paid cash for, but didn't
9 grab the cash as well as part of the evidence of a crime?

10 A No, ma'am. The -- you know, you're getting into some
11 legal stuff, you know, whether you've got good faith purchasers
12 and that kind of stuff. We seized the asset that was purchased
13 with the stolen money. The victim bank, you know -- or USAA,
14 and I think this is Whitney Bank who is the correspondent bank,
15 who actually received the money, you know, that's -- I mean, I
16 don't think that money has been seized. I know it hasn't.
17 That money has never been seized.

18 Q The money has never been seized or secured to
19 preserve the evidence of a possible crime or an alleged crime?

20 A Well, yeah, the evidence is seized right here in
21 those photographs you saw of the motor home.

22 Q I'm talking about the actual money, which Mr. Beane
23 had paid from his own property?

24 A No. The -- the money has not been seized --

25 Q Okay. Thank you.

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1 A -- from the bank. Yes, ma'am.

2 Q I appreciate that. I just wanted to know whether
3 you've gone in to seize all the evidence within the crime
4 scene --

5 A To the extent --

6 Q -- or involved in the crime?

7 THE COURT: Let's wait for the next question.

8 THE WITNESS: Sorry, sir.

9 MS. TUCCI-JARRAF: Thank you.

10 BY MS. TUCCI-JARRAF:

11 Q Okay. You mentioned that your office had information
12 on an outstanding warrant on the day that -- on July 11th.
13 What warrant are you referring to?

14 A It's -- there was a state court warrant.

15 Q Okay. And you just had information on it, you didn't
16 actually have it?

17 A I did -- I personally did not have it in hand, no,
18 ma'am.

19 Q Okay. Who in the office -- you said it was a small
20 office. How many people are in your office, just so I can get
21 a scope here, because you say that there was an outstanding
22 warrant, but you didn't see the warrant, you know -- didn't
23 have a copy of the warrant.

24 How many people are in your office, so we can get an
25 idea of how many people -- you said a lot of people working on

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1 this case from your office, and yet earlier you said your
2 office is really small.

3 So how many people are in your office?

4 A You know, total office of Knoxville division, I don't
5 know, maybe, there's -- maybe -- again, I'm -- maybe there's 75
6 employees total from staff agents, forensic accountants,
7 computer analysts, everything.

8 Q Okay.

9 A Maybe.

10 Q That gives us a better idea of how many bodies could
11 have possibly received information on this outstanding state
12 warrant. Do you remember what state at least this was to be
13 from?

14 A Yes, ma'am. Today -- I believe that today, I could
15 tell you, it is -- I think it was out of South Carolina.

16 Q Uh-huh. Today?

17 A Uh-huh.

18 Q But on July 11th, you had never seen it, you just had
19 information that your office had information that an
20 outstanding warrant existed.

21 Did you confirm at least with a database, NCIC or
22 anything else that there was actually an outstanding state
23 warrant?

24 A So me personally, I did not -- I was relying on
25 information that was provided to me. You know, it's -- we work

UNITED STATES DISTRICT COURT

Parker Still - Cross-Examination

1 as a team. I mean, it's -- you know, there's moving parts.
2 I'm doing the affidavit. Somebody else would be looking to see
3 about the warrant, you know, providing that information to us.

4 I mean, it is a team effort. Not one person can sit
5 here and do all the different jobs. So I'm not the person who
6 made any confirmation of that warrant.

7 But I would say this too. It's my understanding that
8 at the scene also, the warrant was also confirmed by Knox -- I
9 believe it was the Knox County Sheriff's Department.

10 Q I'm just asking, because in the plethora of discovery
11 that was provided to us, not once was there any report by you,
12 a 302, or by any other member supposedly working on this case
13 regarding -- excuse me, with an actual copy of the South
14 Carolina -- the alleged South Carolina outstanding warrant, no
15 NCIC, no actual NCIC from that date or anything else showing
16 there was an outstanding South Carolina warrant. You stated
17 you had not even confirmed --

18 MS. DAVIDSON: Objection, Your Honor. That is
19 inaccurate.

20 MS. TUCCI-JARRAF: I'm just stating --

21 MS. DAVIDSON: Mr. Beane's --

22 THE COURT: Well, let's --

23 MS. DAVIDSON: Okay.

24 THE COURT: Let's go ahead and ask the question.

25 MS. TUCCI-JARRAF: Thank you.

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Parker Still - Cross-Examination

1 THE COURT: I'll remind -- you heard me say both
2 questions by the attorneys, or in this case, the party
3 represents herself, and the objections, statements by the
4 attorneys or parties in that role are not evidence. So just --
5 Jury, keep that in mind. The evidence comes from the witness
6 stand. So let's try to focus on the question and answer the
7 question asked. Go ahead and ask your question.

8 MS. DAVIDSON: Your Honor, may I address the NCIC
9 issue?

10 THE COURT: Let's just go on.

11 MS. TUCCI-JARRAF: Thank you.

12 THE COURT: Go ahead.

13 MS. TUCCI-JARRAF: Okay. I'll just restate my
14 question clear then.

15 THE WITNESS: Sure, absolutely, yes, ma'am.

16 BY MS. TUCCI-JARRAF:

17 Q Okay. Because it is important to know that you have
18 the tools you need to do your job.

19 Okay. Did you personally confirm the existence of an
20 outstanding state warrant that you now know to be from South
21 Carolina?

22 A No, ma'am. I did not. I have seen it, though, since
23 that date. I have seen a copy of that warrant, yes, ma'am.
24 And it was exactly right. I mean, he was -- Knox County
25 confirmed it at the scene. It's my understanding he was taken

UNITED STATES DISTRICT COURT

Parker Still - Cross-Examination

1 to jail.

2 Q Did you ever provide a copy of that alleged South
3 Carolina outstanding warrant to Ms. Davidson or anyone on
4 the -- at the DOJ?

5 A You know, I would have to look back on it. What we
6 normally do is we turn our file -- our discovery file over to
7 the prosecutors.

8 Q Okay. On July 11th, prior to or at any moment, did
9 you ever present a warrant to Mr. Beane or the other
10 unidentified male and unidentified female that you found in
11 that vehicle? Did you ever present an actual paper warrant or
12 electronic warrant to any of those three?

13 A No, ma'am. And I -- I don't -- I mean, that's -- I
14 think that's some of TV stuff where we serve people, put a
15 warrant in their hands. You know, that's -- I don't -- that's
16 just not general practice where you would, you know, serve
17 someone -- hand someone a warrant, generally.

18 Q Okay.

19 A I'm not saying it doesn't happen. I'm just saying,
20 you know, the fact that we -- you know, we've made -- you know,
21 we have -- it's a team effort. We rely on information that is
22 provided to us, and we go out and we do our jobs. And on that
23 day --

24 Q Sorry.

25 A Oh, go ahead.

UNITED STATES DISTRICT COURT

Parker Still - Cross-Examination

1 Q Someone who's been an attorney for so long, as well
2 as the FBI for five and a half years who's familiar, presumed
3 to be familiar and presented to be familiar with the laws of
4 criminal procedure and process, making kinds of statements like
5 that regarding warrants not being necessary. I do understand
6 probable cause --

7 THE COURT: Let's not comment on the evidence. Let's
8 go ahead and ask the next question.

9 THE WITNESS: May I clarify?

10 MS. TUCCI-JARRAF: Okay. The actual --

11 THE COURT: Let's go on to the next --

12 BY MS. TUCCI-JARRAF:

13 Q The actual warrants, there were two other warrants,
14 on the 12th and 13th, were those issued by -- was that
15 application for an affidavit or the affidavit for an
16 applicational warrant on July 12th and July 13th, were you
17 involved in -- was that your affidavit? There were two of
18 them.

19 A Are you -- yes, ma'am. Are you speaking about the
20 affidavit to seize the motor home? Is that what you're
21 speaking about?

22 Q No. In fact, if I can recall, the affidavit to do
23 the motor home was actually provided by your partner. And I'm
24 sorry, I don't remember his name.

25 I believe it was him, Mr. Durand. Is that correct?

UNITED STATES DISTRICT COURT

Parker Still - Cross-Examination

1 Is his name Mr. Durand?

2 A You're asking me this gentleman here? That's --

3 Q Yeah.

4 A -- Special Agent Jimmy Durand.

5 Q Durand. Excuse me.

6 A Yes, ma'am.

7 Q So that was actually Agent Durand, so I don't believe
8 we're talking about that warrant, because I know you didn't
9 issue it. I'm talking about the actual warrant that you say
10 you didn't have and didn't produce on July 11th when you took
11 Mr. Beane. There were still two affidavits, one on the 12th
12 and one on the 11th -- or excuse me, one on the 12th of July
13 and one on the 13th of July.

14 Did you make those affidavits for those warrants?

15 A I am not following what warrants or what affidavits
16 your speaking of Ms. Jarraf.

17 Q No. That's great. I just wanted to make -- to ask
18 you if those were the warrants you relied on.

19 A I'm not sure what warrants. So there's a state court
20 warrant --

21 Q Right.

22 A -- and there's federal warrants out there that were
23 on you and Mr. Beane, ultimately when a federal grand jury
24 indicted both of you. That's the warrants I'm aware of.

25 Q Okay. And the grand jury, the indictment that you

UNITED STATES DISTRICT COURT

Parker Still - Cross-Examination

1 spoke of --

2 A Yes, ma'am.

3 Q -- you testified you helped secure that indictment.

4 Is that correct?

5 A It -- I testified, yes, ma'am.

6 Q In order to have those warrants issued, it was
7 required to have a grand jury indictment. Is that your
8 understanding?

9 A No, ma'am. I -- you don't have to have a grand jury
10 indictment. As I said earlier, we can pick someone up on a
11 probable cause complaint.

12 Q Okay.

13 A Yes, ma'am.

14 Q So which one came first, the indictment, your
15 testimony, or the indictment that you testified for, did that
16 come on that date, before the actual warrant that you had
17 issued for Mr. Beane and myself that you referred to, or were
18 the warrants first, then the indictment -- then the indictment?

19 A No, ma'am. The -- in this case, we used a federal
20 grand jury and obtained indictments. And then based on that,
21 warrants are issued, arrest warrants.

22 Q Okay. And was your testimony to the grand jury, was
23 it true, accurate, and complete or truth?

24 A Yes, ma'am.

25 Q The whole truth, nothing but the truth?

UNITED STATES DISTRICT COURT

Parker Still - Cross-Examination

1 A Absolutely.

2 Q Okay. You stated that Mr. Beane -- I just have a few
3 more questions here. Let's go back to the physical removal,
4 since we already have data on the warrant or no warrant.

5 Resisting and eventually stopped resisting, you had
6 stated Ms. Cynthia Davidson had asked you did he resist. You
7 said he did. Is that correct?

8 A That's correct, yes, ma'am.

9 Q And then she later said, did he stop resisting, and
10 you said eventually he stopped resisting. Is that correct?

11 A Eventually, once he was secured.

12 Q Okay. So my question is, you had stated that once he
13 had his hands around his back, what methods did you use -- did
14 he stop resisting arrest after he had been elbow punched in the
15 back of the head a number of times with his face in the ground,
16 or did he stop resisting arrest after he had already been
17 passed out from a head injury?

18 A I disagree, ma'am, with your recitation of the facts
19 there. But I will answer your question to the extent I can,
20 that the amount of force used was only the amount necessary to
21 effectuate the arrest, to make the arrest that day.

22 We had a motor home that was running.

23 Q Uh-huh.

24 A I mean, all he had to do was put it in drive and, you
25 know, lives would have been lost potentially. And also, we did

UNITED STATES DISTRICT COURT

Parker Still - Cross-Examination

1 not know who all -- you know, we don't -- it's -- we're
2 reacting to a situation. We do not know what -- you know, if
3 there's other people involved. We just don't know. We have to
4 make that arrest, get him cuffed up.

5 He was -- he did, as you said, he obtained a cut on
6 his head. We had an EMT, Jason, who was at the scene, is an
7 agent who's also an EMT and he treated him immediately. Also,
8 we called an ambulance just to be on the safe side, and
9 Mr. Beane refused treatment.

10 Q When -- after he received the head injury, he refused
11 treatment?

12 A I disagree with that -- I don't know -- I mean, an
13 injury, he got a cut on his head.

14 Q 302 that he had a head injury. The actual -- okay.
15 Let's step aside from that. When you approached the vehicle,
16 were weapons drawn?

17 A I don't recall a weapon being drawn, no, ma'am. I
18 don't --

19 Q How many officers were there?

20 A At the time, there were initially four total FBI
21 agents that were there at the scene.

22 Q And supporting officers, how many?

23 A Got there a little bit later. There were some Knox
24 County deputies that arrived and some of our task force
25 officers.

UNITED STATES DISTRICT COURT

Parker Still - Cross-Examination

1 Q So approximately how many officers total?

2 A Maybe by the time -- maybe -- maybe eight in that --
3 eight, nine, something like that. Again, that's approximately.

4 Q I appreciate that. Thank you.

5 So approximately eight or nine armed individuals
6 approached a vehicle?

7 A I would -- no, ma'am. No, ma'am. That's not how it
8 went down. No, ma'am. There were only four of us who arrived
9 initially at the scene. The others came after the fact. I
10 mean, once -- they literally get to the scene about the time
11 that Mr. Beane is being put into handcuffs.

12 Q Okay.

13 A So, I mean, it's after the fact. And you -- I mean,
14 to the extent you're trying to insinuate -- insinuating that
15 that's a number -- a larger number, it's really not. Because
16 we don't know what's going on with other individuals
17 potentially in the area or, you know, we just don't know.

18 Q That -- thank you. Thank you for stating that.
19 Because just as you don't know, is there a possibility that
20 Mr. Beane didn't know what your intentions are?

21 A No, I don't think so.

22 Q So if he believed that he's made a lawful purchase,
23 he's actually taking his property away four days after he had
24 purchased it from the actual RV place, that armed individuals
25 coming into -- is it possible that the whole thing wasn't

UNITED STATES DISTRICT COURT

Parker Still - Cross-Examination

1 handled properly as far as trying to figure out that's why it
2 got so violent?

3 A No, it did not. First of all, I disagree with the
4 fact that he didn't know, and I disagree with the fact it got
5 violent. It was not violent. It was a properly executed
6 arrest for an individual who was resisting.

7 Q Excuse me just one second --

8 A Absolutely.

9 Q -- so that I can check my notes so that we're -- I'm
10 finished here.

11 I just have one last question regarding something you
12 stated about --

13 A Yes, ma'am.

14 Q -- your 302s.

15 Do you write a 302 for every action that you've taken
16 or for every action that you're going to take, just so that
17 we're clear as far as how detailed are you recording the actual
18 investigation?

19 A No. For every action we're going to take, there's
20 not a 302, no, ma'am. And, generally, we do one for actions
21 that are taken, but not always. I mean, there could be a
22 circumstance out there for whatever reason where a 302 is not
23 generated.

24 Q Did you keep a notebook on you that you write notes
25 in when you're in the field or anything like that?

UNITED STATES DISTRICT COURT

Parker Still - Cross-Examination

1 A We -- I generally keep, you know, if I'm going for an
2 interview, absolutely, we keep notes and stuff of interviews,
3 sure.

4 Q Okay.

5 A Now, I have one thing to add. Not always. There
6 could be an arrest-type situation where, I mean, I'm not taking
7 notes while we're putting handcuffs on somebody, so...

8 Q Okay. Were you asked to -- because since there's a
9 possibility we don't -- I've never seen in your reports
10 anywhere that you presented the warrant, which is why I'm
11 asking, but you were asked for that warrant by the unidentified
12 male and unidentified female as well as Mr. Beane or just the
13 unidentified male and female?

14 A I remember the un -- at the time unidentified male
15 and female asking for a copy of a warrant. Which would not be
16 something we would give to somebody out -- you know, who is at
17 a scene. We would not give a warrant to that individual.

18 Q They were in the vehicle, though, and you actually
19 gave them orders to get out of the vehicle?

20 A There's officer safety issues there. If you have
21 individuals in a vehicle doesn't mean we would give them a copy
22 of paperwork or anything.

23 Q Did they ask you for that warrant while still in the
24 vehicle before you ordered them out or --

25 A I don't recall specifically. I do -- I know they

UNITED STATES DISTRICT COURT

Parker Still - Cross-Examination

1 asked for a warrant. I think they were out in the parking area
2 when they were asking for that. They could have been inside.
3 I don't know. I don't know the answer to that.

4 Q Okay.

5 A Very well may have been inside, you know, asking for
6 warrants. I don't know.

7 MS. TUCCI-JARRAF: Okay. I don't have anymore
8 questions. Thank you.

9 THE COURT: Thank you.

10 Mr. Beane, cross-examination?

11 MR. BEANE: Yes.

12 MS. TUCCI-JARRAF: Thank you, Mr. Still.

13 THE WITNESS: Thank you, ma'am. Thank you.

14 **CROSS-EXAMINATION**

15 BY MR. BEANE:

16 Q Hello, Mr. Still.

17 A Good afternoon, sir.

18 Q On the day of July the 11th, do you remember the
19 temperature that day, Mr. Still?

20 A It was hot that day, sir.

21 Q Yes, sir. It was very hot.

22 Do you remember if the air conditioners were running
23 on the RV, Mr. Still?

24 A It seems like they were running.

25 Q Yes, sir, they were.

UNITED STATES DISTRICT COURT

Parker Still - Cross-Examination

1 Also on that day, when you arrested me, you told me
2 that I had a warrant out of Jasper, Colorado. Do you remember
3 telling me that, Mr. Still?

4 A There very well may have been -- I may have
5 inaccurately said where the warrant was from, Mr. Beane.

6 Q That's the only warrant you told me about. Isn't it
7 correct, Mr. Still?

8 A I think there was talk about that it was out of North
9 Carolina. Again, I was not the one who I just previously said
10 to --

11 Q Mr. Still, I tried to ask you --

12 THE COURT: Let him finish. Let him --

13 Q -- to please discuss with me --

14 THE COURT: Excuse me. I think he was in the middle
15 of an answer, so let him finish it. Go ahead.

16 THE WITNESS: Yes, sir, Mr. Beane, I was not the one
17 who -- who was -- you know, I just knew there was an active
18 warrant, yes, sir.

19 BY MR. BEANE:

20 Q And I also asked you to please discuss with me the
21 fact that I had never been to Colorado and there's possibly no
22 way there could have been a warrant for my arrest?

23 A I believe we tried to interview you at the scene, and
24 you said you wanted to speak with an attorney and didn't want
25 to talk to us.

UNITED STATES DISTRICT COURT

Parker Still - Redirect Examination

1 Q No, sir. That's not correct.

2 A Okay. That's not the way I remember it, sir.

3 Respectfully disagree with you.

4 MR. BEANE: All right. No further questions.

5 THE COURT: Thank you. Any redirect?

6 MS. DAVIDSON: Yes, Your Honor.

7 **REDIRECT EXAMINATION**

8 BY MS. DAVIDSON:

9 Q Okay. So you were talking about you were preparing
10 an affidavit for a warrant.

11 What kind of warrant were you working on on the 11th?

12 A That was a seizure warrant, an affidavit of seizure
13 warrant, probable cause warrant to seize the motor home.

14 Q So you weren't working on an arrest warrant or
15 complaint or any other sort of arrest process for Mr. Beane at
16 that time?

17 A No, ma'am. At the time, we were working, the way I
18 recall it, was on an actual seizure warrant. Because that's
19 why I had been speaking with Ms. Svolto who is the -- generally
20 does the forfeiture work with the U.S. Attorney's Office.
21 That's the way I recall it.

22 Q Okay. Did you -- actually, after this arrest, did
23 you get a seizure warrant signed by a United States magistrate?

24 A Yes. Special Agent -- Jimmy, he swore it out, yes,
25 ma'am.

UNITED STATES DISTRICT COURT

Parker Still - Redirect Examination

1 Q So -- and was there an arrest warrant by the State of
2 South Carolina for Mr. Beane?

3 A Yes, ma'am. I mean, at the scene -- that's what I
4 was saying. Knox County, it's my understanding, when they took
5 him -- he did not go into federal custody at the time. He went
6 into state custody, that Knox County does those verifications
7 is my understanding.

8 Q Then he was indicted by a federal grand jury?

9 A That's correct, both he and Ms. Heather were.
10 Correct.

11 Q And you testified at that federal grand jury?

12 A I did, yes, ma'am.

13 Q And before you testified, did you do your own
14 investigation into this case?

15 A As we do with all. I mean, we do our investigation.
16 We get the records in. And we -- you know, we do our
17 investigation. As I said earlier, what the FBI does is we talk
18 to people. And that's what we do, yes, ma'am.

19 Q Okay. So was the money that Mr. Beane bought that RV
20 with, was that his own money?

21 A That was not his money.

22 Q Whose money was it?

23 A That was United -- it was USAA's money.

24 Q Okay. The United States did not seize the money that
25 Buddy Gregg got from the wire transfer. Is that --

UNITED STATES DISTRICT COURT

Parker Still - Redirect Examination

1 A Correct.

2 Q Is that your understanding? And Ms. Tucci-Jarraf
3 asked you about NCIC reports. It's not the practice of the FBI
4 to give codefendants each other's NCI reports. Is it?

5 A I could not imagine why we would give NCI reports
6 because of the personal identifiers on those reports.

7 Q So Ms. Tucci-Jarraf doesn't have Mr. Beane's NCIC
8 doesn't mean that there's not a warrant on his NCIC, does it?

9 A Right. No, ma'am. That would not mean that.

10 Q Okay. And you mentioned you -- just out of an
11 abundance of caution, Mr. Beane had a scratch on his head. Is
12 that right?

13 A That's correct, yes, ma'am. And Jason, the agent at
14 the scene, is a EMT, paramedic. He immediately put a bandage
15 on Mr. Beane, and I believe it was Jason, too, who called the
16 paramedics. The actual ambulance showed up, and we, you
17 know -- to make -- I mean, it just -- we -- we want to do
18 right, want to treat everybody fairly, want to -- you know, if
19 there was any injury, we wanted to make sure he got the medical
20 attention, and he refused.

21 Q So he could have gone to the hospital, but he refused
22 treatment?

23 A We called -- the ambulance was called.

24 Q And you saw his injuries. Were these life
25 threatening head injuries?

UNITED STATES DISTRICT COURT

Parker Still - Recross-Examination

1 A No, ma'am. They were not. Like I said, we had an
2 EMT agent at the scene.

3 Q And did you give the defendant, Mr. Beane, plenty of
4 opportunity to come out of the RV and talk to you?

5 A Right. There was ample opportunity. You know, you
6 never want to put hands on with anybody. That's always the
7 last resort, yes, ma'am.

8 Q And you identified yourself as the FBI, but he
9 refused --

10 A He refused --

11 Q To come out of the RV?

12 A He refused to come out.

13 MS. DAVIDSON: That's all I have.

14 THE COURT: All right. Thank you. Any recross based
15 on the redirect?

16 MS. TUCCI-JARRAF: I just have one question.

17 THE COURT: Go ahead.

18 THE WITNESS: Yes, ma'am.

19 **RECROSS-EXAMINATION**

20 BY MS. TUCCI-JARRAF:

21 Q Okay. You've just blown my mind with a statement
22 that you made that this is in regards to Ms. Davidson's
23 question regarding whose money was it that he stole, and you
24 said it was USA's money?

25 A That's my understanding that they're -- USAA is the

UNITED STATES DISTRICT COURT

Parker Still - Recross-Examination

1 one who's out. I mean --

2 Q No. My question is, there was supposedly 30-plus
3 transactions from the Federal Reserve to USAA. Are you -- are
4 you telling us now that you can actually go into a bank online
5 and just set up a bank account with USAA and put some money in
6 there just putting any numbers in or -- because it was my
7 understanding that this was the Federal Reserve, your position
8 was that it was the Federal Reserve's money which had
9 unlawfully been transferred over to USAA?

10 A Yes, ma'am. I think the way I understand it is, the
11 Federal Reserve put money in USAA, then it was recalled by the
12 Federal Reserve, and now USAA eats the loss.

13 Q Okay. So then the money itself at the time of the
14 July 11th that you say was stolen was actually supposedly
15 stolen from the Federal Reserve Bank of New York. Is that
16 correct?

17 A No. I think we're --

18 Q How could it be USAA's money?

19 A USAA is the one who -- to me this scheme works like a
20 bad check in a sense, you know, where the money -- the money
21 was in the account and it was fraudulently put into the
22 account, and the money -- then Mr. Beane used that money to
23 purchase this RV. And that was USAA's funds that were the
24 ultimate source of -- USAA is the one who's out the money in
25 this case.

UNITED STATES DISTRICT COURT

Parker Still - Recross-Examination

1 Q Yes. I'm aware of the theft scheme that the Federal
2 Reserve and its member banks concocted by using unknowing and
3 unsuspecting American citizens. That's why I got involved.

4 MS. DAVIDSON: Objection, Your Honor.

5 MS. TUCCI-JARRAF: I'll move on with my question, so
6 the point --

7 THE COURT: I'll sustain the objection to the extent
8 that was not a question.

9 Go ahead.

10 BY MS. TUCCI-JARRAF:

11 Q Are you aware of a scheme that was done by the
12 Federal Reserve Banks System, the banks within the Federal
13 Reserve Bank System, and its member banks, including USAA Bank
14 that is a member of the Federal Reserve System, are you
15 familiar or aware of a bank scheme to use unsuspecting and
16 unknowing American citizens in order to cause a theft of funds
17 so that they could later make insurance claims or write-offs,
18 which in this case USAA Bank would be doing?

19 A No, ma'am. I'm not aware of any scheme like that.
20 The only scheme I'm aware of is the one orchestrated by you and
21 Mr. Beane.

22 Q Okay. If you were aware of such a scheme at the
23 institutional level, would you give it any type of attention
24 whatsoever in an investigation?

25 A If I'm aware of a scheme anywhere that falls within

UNITED STATES DISTRICT COURT

Parker Still - Recross-Examination

1 what I'm -- you know, in the Eastern District of Tennessee that
2 affects it, absolutely, I would give -- you know, if someone,
3 just as if USAA or if someone off the street today comes in and
4 complains, we give every complaint its due consideration, yes,
5 ma'am. If there's any scheme anywhere involving political
6 figures or whatever you have it, we -- absolutely, we give
7 that -- we'll look into that.

8 MS. TUCCI-JARRAF: I hope that to be true. Thank
9 you.

10 THE WITNESS: It is true. You can count on it.

11 THE COURT: Thank you.

12 MS. TUCCI-JARRAF: Thank you.

13 THE COURT: Any recross based upon the redirect,
14 Mr. Beane?

15 MR. BEANE: Yes, sir.

16 **RECROSS-EXAMINATION**

17 BY MR. BEANE:

18 Q Mr. Still, you said that on the day of the 11th that
19 the Knox County Sheriff's Department verified a warrant?

20 A That's my understanding, Mr. Beane, in the vehicle.
21 There was at the scene there the Knox County -- you were put
22 into a Knox County cruiser. It's my understanding that a
23 warrant confirmation was done or something to that effect or
24 later in the day it was, you know, confirmed. But, yeah, they
25 do a process there. That's my understanding.

UNITED STATES DISTRICT COURT

Parker Still - Recross-Examination

1 Q Are you aware that once I arrived in Knox County Jail
2 that I had to stay in the patrol car for three hours because
3 they didn't have anything on me, Mr. Still?

4 A You know, we may have learned that information later
5 from a jail call or something like that. Again, that wouldn't
6 be --

7 Q And -- sorry to interrupt you.

8 A No, no. I mean, that's -- you know, you were
9 lawfully arrested, Mr. Beane.

10 Q How come Knox County Jail refused to take me into
11 custody because I didn't have anything on me?

12 A I'm sure it takes a little bit of time for them to do
13 a -- to confirm a warrant.

14 Q Mr. Still, you just said Knox County confirmed that
15 warrant at the scene.

16 A I said that's my understanding. Maybe it takes --
17 maybe it -- I think -- maybe it was later in the day, you know,
18 I just -- that's -- I wasn't privy to that. I guess that's --
19 so I'm speculating.

20 Q So you arrested me without a warrant thinking that
21 there was a warrant?

22 A No, sir. There was a warrant.

23 Q Really?

24 A Yes, sir. You're still in custody or have been is my
25 understanding.

UNITED STATES DISTRICT COURT

Parker Still - Recross-Examination

1 Q I have another question for you, Mr. Still.

2 In your professional actions, as I was in the back of
3 the parole car passing you and one of the other agents in the
4 courtroom, back there with the pink tie on, do you remember
5 laughing at me and poking at me as I drove by, Mr. Still?

6 A I remember you driving by, and it was -- it was a
7 stressful situation. I do remember kind of like, laughing,
8 yeah, there he goes, he's in the back of the police car. This
9 was one for the good guys. Yeah.

10 MR. BEANE: Thank you.

11 THE COURT: Thank you. We'll take our afternoon
12 break at this time. The jury may be excused.

13 THE COURTROOM DEPUTY: All rise.

14 (Jury out at 3:29 p.m.)

15 THE COURTROOM DEPUTY: This honorable court shall
16 stand in recess until 3:45.

17 (Recess from 3:29 p.m. to 3:47 p.m.)

18 THE COURTROOM DEPUTY: Please come to order and be
19 seated.

20 THE COURT: I think our jury is ready. And the
21 government looks like it's ready with its next witness. We'll
22 bring the jury in.

23 (Jury in at 3:48 p.m.)

24 THE COURT: Thank you. Everyone may be seated. And
25 the courtroom deputy will swear in the next witness.

UNITED STATES DISTRICT COURT

David Walker - Direct Examination

1 WHEREUPON,

2 **DAVID WALKER,**

3 was called as a witness and, after having been first duly
4 sworn, testified as follows:

5 **DIRECT EXAMINATION**

6 THE COURTROOM DEPUTY: Have a seat, please. Will you
7 please state and spell your name for the record.

8 THE WITNESS: David Walker. D-a-v-i-d, W-a-l-k-e-r.

9 BY MS. SVOLTO:

10 Q Good afternoon.

11 A Good afternoon.

12 Q Could you please tell me what's your name.

13 A David Walker.

14 Q And where do you work?

15 A AT&T.

16 Q And how long have you worked there?

17 A Nine years.

18 Q And what do you do for AT&T?

19 A Currently, I'm a custodian of record.

20 Q What are some of your primary job responsibilities as
21 the custodian of records?

22 A The authentication of records produced by AT&T.

23 Q All right. Do you recognize Government's
24 Exhibit 149? Can you see that there?

25 A Oh, okay. Yes.

UNITED STATES DISTRICT COURT

David Walker - Direct Examination

1 Q All right. And now, I'm going to -- so you recognize
2 that document?

3 A Yes, I do.

4 Q And do you recognize Government's Exhibit previously
5 marked as Exhibit 150?

6 A Yes.

7 Q And do you recognize that document?

8 A Yes.

9 Q All right. And now Government's Exhibit 152, do you
10 recognize that document?

11 A Yes.

12 Q All right. And I'll ask to use the Elmo briefly.

13 Do you recognize this that I'm showing up there?

14 A Yes, I do.

15 Q And so I'll ask to see Government Exhibit 152 -- I'm
16 sorry, 151 now.

17 A Okay.

18 Q And so you recognize that document?

19 A Yes.

20 Q Now, I previously showed you a disc that you just
21 identified?

22 A Yeah.

23 Q And could I ask for the Elmo again.

24 And is that your signature?

25 A It is.

UNITED STATES DISTRICT COURT

David Walker - Direct Examination

1 Q And what is this disc?

2 A So this disc contains the subscriber information for
3 voice, text, and data of records for the subscriber requested.

4 Q And did you review the documents on that disc?

5 A I did.

6 Q And did you determine they were the same documents
7 that were in the Government's Exhibit 151?

8 A That's correct.

9 Q Thank you. Are you familiar with the records that
10 are kept in the course of regularly conducted business activity
11 of AT&T?

12 A Yes.

13 Q And were these documents kept in the course of the
14 regularly conducted business activity of AT&T?

15 A Yes.

16 Q And, specifically, the documents that were previously
17 marked as Government's Exhibit 149, 150, 151, and 152?

18 A Yes.

19 Q And were these documents prepared by, at, or near the
20 time of the events recorded?

21 A Yes.

22 Q And were they made by a person with knowledge of the
23 events or from information transmitted by a person with
24 knowledge?

25 A Yes.

UNITED STATES DISTRICT COURT

David Walker - Direct Examination

1 Q Is it the regular practice of AT&T to make these
2 records?

3 A Yes.

4 MS. SVOLTO: All right. I'd like to at this time
5 move to admit Government's Exhibit 149, 150, and 152.

6 THE COURT: 149, 150, 152, seeing no objection, the
7 court will admit those documents.

8 (Government's Exhibits 149, 150, 152 admitted into
9 evidence.)

10 BY MS. SVOLTO:

11 Q If I could have Government Exhibit 149 that has now
12 just been admitted into evidence.

13 Could you tell us what this document is?

14 A So this particular document is "U-verse Customer
15 Account Details," which is stated on there on the page. So it
16 contains information for a subscriber that would have had a
17 particular account with U-verse services from AT&T.

18 Q Okay. Thank you. Looking to Government's
19 Exhibit 150.

20 And what does this document tell us?

21 A So this is the MAC address report. MAC stands for
22 media access control. And this is the IP address and the phone
23 number associated with the device that the MAC address defines.

24 Q Thank you. And Government's Exhibit 151.

25 And what is this document again?

UNITED STATES DISTRICT COURT

David Walker - Direct Examination

1 A So this is a billing report for voice usage. If you
2 look at the top left corner, you'll see a routing number. But
3 below that, you'll see a run date, run time, and then the words
4 "Voice Usage For."

5 So this particular page and the one that follow are
6 recorded events of voice calls by the subscriber who received
7 calls and also made calls from that telephone number. The
8 document also contains SMS text message information as well as
9 data session usage for this telephone number.

10 Q All right. And Government Exhibit 152.

11 And what does this document tell us?

12 A This is the subscriber information page for this
13 wireless subscriber. It contains information related to the
14 financial liable party, the billing party, as well as user
15 information in those three sections that you see represented
16 here.

17 Q And so the financially liable party section, does it
18 give a name there?

19 A It does.

20 Q And what's that name?

21 A Randall Beane.

22 Q And also an address?

23 A 300 State Street, Apartment 365, Knoxville, Tennessee
24 37902.

25 Q All right. It also gives an e-mail address as well?

UNITED STATES DISTRICT COURT

David Walker - Cross-Examination

1 A It does. Want me to read that?

2 Q No. That's fine.

3 A Okay.

4 Q Are you also familiar with the location of AT&T
5 servers?

6 A Yes. There are several of them around the United
7 States.

8 Q Are there any AT&T servers located in Tennessee?

9 A No.

10 Q And in your view of the records, do these records all
11 relate to a Randall Beane?

12 A They do.

13 MS. SVOLTO: I have no other questions.

14 THE COURT: Thank you.

15 Cross-examination, start with you Ms. Tucci-Jarraf,
16 if any.

17 **CROSS-EXAMINATION**

18 BY MS. TUCCI-JARRAF:

19 Q Without prejudice, I'm going to have a few questions
20 for you. Good afternoon, Mr. Walker.

21 A Good afternoon.

22 MS. TUCCI-JARRAF: If I could have the state's
23 exhibits brought back up. Just the ones that you just --

24 MS. DAVIDSON: I know. I'm looking for it.

25 THE COURT: Did you move 151 as well, Ms. Svolto?

UNITED STATES DISTRICT COURT

David Walker - Cross-Examination

1 MS. SVOLTO: Yes, Your Honor.

2 THE COURT: The court overlooked that one. So we'll
3 admit 151 as well.

4 MS. SVOLTO: Thank you.

5 (Government's Exhibit 151 admitted into evidence.)

6 MS. TUCCI-JARRAF: Thank you.

7 BY MS. TUCCI-JARRAF:

8 Q Mr. Walker, I just had a few questions to sort of
9 decipher. I have no idea what these are. This particular
10 document, and I'm referring to Document 149.

11 A Okay.

12 Q This is just account detail information. Is that
13 correct? Like what does this document show us? What
14 information does it tell you for a layperson?

15 A So users for AT&T subscribers, customers, whatever
16 you want to use for the name, subscribe to different kinds of
17 services that AT&T offers.

18 In this particular case on this page, this is for
19 U-verse service, which is typically media based kinds of
20 services offered by AT&T. What this contains is the
21 information in the first BAN number is billing account number.
22 So this is the information related to how we track and identify
23 customers in our billing system. So all the codes and the
24 names and information you see here is related to that tracking
25 of that individual by AT&T for the U-verse service.

UNITED STATES DISTRICT COURT

David Walker - Cross-Examination

1 Q Okay. So you can see everything if you just know
2 that BAN number, you can find anything that that particular --

3 A Yeah, that --

4 Q Is that BAN number also associated with every
5 activity?

6 A It is for this -- it is for this account. That's all
7 I can testify to.

8 Q Okay. And you'd be able to see every single thing
9 that that customer does that has that particular BAN number?

10 A We did not provide that information, so I can't say
11 that you see everything.

12 Q Okay. And what does "TXID" mean? Could you please
13 tell us that?

14 A Where are you looking?

15 Q I apologize. It says "historical IP provising."
16 It's on the left-hand side. What does "TXID" mean?

17 A Well, the answer is I do not know what TXID stands
18 for. It may be a tax ID indicator, but I don't know what the
19 acronym stands for. I'm sorry.

20 Q That's okay. You said you were custodian of records.
21 Did you create any of these records?

22 A No, ma'am.

23 Q They were just delivered into your care?

24 A Yes, ma'am.

25 Q I apologize if I'm asking you any question. I just

UNITED STATES DISTRICT COURT

David Walker - Cross-Examination

1 am not familiar with these kinds of documents.

2 A Oh, you're fine.

3 Q If you know them, could you let us know. If you
4 don't, that's fine too.

5 A Sure.

6 Q Document, the next document, that's just subscriber.
7 That's --

8 MS. DAVIDSON: If you can tell David what the number
9 is, he can pull it up for you. There's an exhibit sticker on
10 it.

11 MS. TUCCI-JARRAF: This is still 149. Oh, I see, I'm
12 sorry. Thank you for your help. It would be the third
13 document.

14 THE COURT: Is that the one? And if you look on the
15 screen, that's -- what's on your screen is what the witness is
16 currently looking at.

17 BY MS. TUCCI-JARRAF:

18 Q Okay. No. It was just that one document I had
19 questions about, because there was a lot of codes on there I
20 don't understand. But it's basically for tracking purposes of
21 the activities for that?

22 A It identifies information that engineers for
23 switching IDs, circuit ID. A lot of that information contained
24 is not user friendly to the customer. It's more user friendly
25 to the engineers and the technicians that manage the network.

UNITED STATES DISTRICT COURT

Monica Alcala - Direct Examination

1 MS. TUCCI-JARRAF: Okay. Thank you. I don't have
2 any further questions.

3 THE COURT: Thank you.

4 MS. TUCCI-JARRAF: And, Ms. Davidson, thank you very
5 much for letting me borrow this and thank your associate.

6 THE COURT: Mr. Beane, cross-examination?

7 MR. BEANE: No.

8 THE COURT: Any redirect?

9 MS. SVOLTO: No, thank you, Your Honor.

10 THE COURT: All right. Then this witness may be
11 excused. Thank you.

12 THE WITNESS: Thank you, Your Honor.

13 THE COURT: The government may call its next witness.
14 We call Monica Alcala -- Alcala.

15 WHEREUPON,

16 **MONICA ALCALA,**

17 was called as a witness and, after having been first duly
18 sworn, testified as follows:

19 **DIRECT EXAMINATION**

20 THE COURTROOM DEPUTY: Have a seat. Scoot as close
21 as you can, please. Will you state and spell your name for the
22 record.

23 THE WITNESS: My name is Monica Alcala. M-o-n-i-c-a,
24 A-l-c-a-l-a.

25 THE COURTROOM DEPUTY: Thank you.

UNITED STATES DISTRICT COURT

Monica Alcala - Direct Examination

1 BY MS. DAVIDSON:

2 Q Morning.

3 A Good morning.

4 Q What do you do?

5 A I am a --

6 Q It's afternoon, actually. I'm sorry.

7 A I am a financial crimes investigator with USAA.

8 Q Okay. And what is USAA?

9 A USAA is banking and insurance primarily for
10 servicemen, former military, and their families.

11 Q Okay. And so what does USAA stand for?

12 A USAA is United Services Automobile Association.

13 Q Okay. And how long have you worked for USAA?

14 A I have worked for USAA for 14 and a half years.

15 Q And where are your primary responsibilities at USAA?

16 A I am a fraud investigator. We do research,
17 investigate, detect fraud, whether it is account takeover,
18 member fraud, or members taking advantage of their accounts.

19 Q Okay. And so do you know a little bit about the USAA
20 history?

21 A I do.

22 Q And why do you know about the history? Is that
23 something that is important to the corporation itself?

24 A Yes. USAA takes pride in showing our support to
25 military members. That's actually one of the first things that

UNITED STATES DISTRICT COURT

Monica Alcala - Direct Examination

1 we learn is how to be more member-centric in understanding the
2 needs of our military members, especially since they're a lot
3 of times traveling or spouses are trying to take care of
4 business while the spouse is deployed.

5 Q Okay. And so when was USAA formed?

6 A USAA was formed in 1922 by select military officers
7 who wanted to insure -- they wanted to insure each other. So
8 they wanted to make sure that, again, the military was taking
9 care of their own.

10 Q Okay. And so it started as an insurance. And did
11 the products that they provide to military families, did that
12 grow as the company grew -- grew?

13 A Yes. In 1983, USAA opened their doors for banking,
14 and started off with credit cards. And now we offer full
15 services, such as checking accounts, CDs, loans, and even
16 investment accounts.

17 Q And does USAA have a mission?

18 A Yes.

19 Q What is it?

20 A It's to protect our military members financially to
21 be able to support them again through their times why they are
22 taking care of us.

23 Q Okay. And so was USAA formed to support a certain
24 sector of the United States population?

25 A Yes. So it is military specific for officers, again,

UNITED STATES DISTRICT COURT

Monica Alcalá - Direct Examination

1 their families and their children. So it's really to take care
2 of the military and their family, whether it was past or
3 current.

4 Q Okay. And was that its mission when it was formed in
5 1922?

6 A In 1922, it started as officers. And throughout the
7 years, we have opened the doors to NCOs and then to enlisted.
8 So they've expanded the eligibility. It used to be you had to
9 have been recently separated from the military and currently
10 it's offered to anybody who has served in the past and has been
11 honorably discharged.

12 Q Okay. And so is USAA selective about who it lets
13 bank at its -- at its banks?

14 A Yes.

15 Q And does it require someone to become a member?

16 A Yes. So when you enter -- when you attempt to become
17 a member, we do validate that you were in the military during
18 the time that you said.

19 Q Okay. And which location of USAA do you work?

20 A I work in the banking -- I work under the banking, so
21 the fraud is directly covering bank fraud.

22 Q Okay. And what location is the building that you
23 work in?

24 A I work in the San Antonio home office.

25 Q And you've been in that bank. Is it everywhere in

UNITED STATES DISTRICT COURT

Monica Alcala - Direct Examination

1 your location about what your mission is?

2 A Repeat the question.

3 Q I'm saying the decorations, the entire -- does it
4 have flags? Do you know who you are serving when you work
5 there?

6 A Yes. We take pride in that, even in something as
7 Veteran's Day, we -- we go all out for every branch of
8 services' birthday. It's really ingrained that we take care of
9 our members, especially because they take care of us.

10 Q Okay. And when you walk into the lobby of the San
11 Antonio office, is it a huge -- I mean, there's a lot of
12 buildings there?

13 A Yes. We like to joke that square-footage-wise, maybe
14 it's bigger than the Pentagon. From one side to the other, you
15 can get a good work out. So it's very big. And that's just
16 one location.

17 Q And so is there a big marble thing that says, "A
18 foundation of service to service"?

19 A Yes.

20 Q Why does USAA Bank only allow members to bank with
21 it?

22 A It goes back to we are wanting to take care of those
23 who serve. So we are selective. We feel the people in the
24 military have honor, they have morals, they have standards, and
25 that's -- since that's what the company was based on, we want

UNITED STATES DISTRICT COURT

Monica Alcalá - Direct Examination

1 to continue that tradition and to ensure that we are focusing
2 on their needs because we know what it's like to be a military
3 member.

4 We are given training classes to know what it's like
5 for a member to deploy last minute or how the spouse feels when
6 she's home taking care of all the bills, what it's like to come
7 home and have to start back up.

8 So they really take -- USAA takes pride in teaching
9 us, if we were never prior military, at least to teach us and
10 have us understand who we're serving, so they want to keep it
11 very member-centric.

12 Q Okay. When someone applies to become a member, do
13 you confirm that they were actually -- are or were a member of
14 the United States armed service?

15 A Yes.

16 Q Okay. And once -- have you worked in the banking
17 industry other than USAA Bank?

18 A Yes. Prior to USAA, I worked at Chase -- at JP
19 Morgan Chase.

20 Q And is it your experience that once someone becomes a
21 member at USAA, they are trusted higher than the average bank
22 customer?

23 A Yes.

24 Q And why is that?

25 A Again, it goes back to our military. They are chosen

UNITED STATES DISTRICT COURT

Monica Alcala - Direct Examination

1 to protect us, and there's a lot that they do, and they're held
2 at a higher standard in our eyes, so we feel that we trust them
3 just as much.

4 Q Okay. What is the primary way that the vast majority
5 of your customers do their banking?

6 A We are considered an online bank. So you would go
7 through our online mobile app or through the regular USAA.com.

8 Q Okay. Do you have any brick and mortar banks?

9 A We have the San Antonio office. We used to have
10 financial centers, but those have been closed. So right now
11 the only brick and mortar would be the San Antonio location.

12 Q Okay. So almost all your members do the online
13 banking?

14 A Yes.

15 Q Okay. I'm going to show you what's marked as
16 Government's Exhibit 91, just for the -- you can flip to it.

17 Do you recognize Government's Exhibit 91?

18 A Yes. This is the home page for our website.

19 Q Okay. And if you could -- just you flip through
20 those pages independently and let me know if you recognize
21 these pages that represent Exhibit 91.

22 A Yes.

23 Q And are -- is this an actual copy of the screenshots
24 taken from USAA website?

25 A Yes.

UNITED STATES DISTRICT COURT

Monica Alcalá - Direct Examination

1 Q Is this an accurate screenshot or basically a
2 photograph of the way the website looks?

3 A Yes. It's exactly how it looks.

4 MS. DAVIDSON: Your Honor, at this time I'd like to
5 admit Government's Exhibit 91.

6 THE COURT: So admitted.

7 (Government's Exhibit 91 admitted into evidence.)

8 BY MS. DAVIDSON:

9 Q Okay. If you could publish it to the jury. Could
10 you blow up the photograph, please, David?

11 And, again, it talks about what you were just
12 testifying to, that you serve military members and their
13 families.

14 And then if you click "Who We Serve," could you go to
15 Page 1-2. Could you expand that please.

16 And is that an accurate representation of who
17 membership is open to?

18 A Yes. That is the current way that you become a
19 member.

20 Q Okay. And where are the headquarters of USAA Bank?

21 A The headquarters is San Antonio, Texas.

22 Q Do you happen to know where the computer servers are
23 located that serve USAA Bank?

24 A They're in Texas. Dallas, Plano area is the primary.

25 Q Okay. So you mention that you were a financial fraud

UNITED STATES DISTRICT COURT

Monica Alcalá - Direct Examination

1 investigator.

2 Did you get involved in the case that's before the
3 court against Mr. Randall Beane?

4 A Yes, I did.

5 Q And did the defendant Randall Keith Beane have an
6 account at USAA?

7 A Yes, he did.

8 Q And do you know when he opened it?

9 A The account, I believe, was opened 2015 -- 2016 is
10 when the account was opened.

11 Q Okay. I'm going to point you to the attention of
12 Government's Exhibit 2 through 77 in that. And we went over
13 all these documents together last night.

14 Do you recognize those?

15 A Yes, I do.

16 Q Okay. Are the documents -- are you familiar with
17 whether or not the documents in Government's Exhibit 2 through
18 77 are records that are kept in the course of regularly
19 conducted business activities of USAA?

20 A Yes, they are.

21 Q And was the -- was it prepared by, at, or near the
22 time of the event recorded?

23 A Yes.

24 Q Was it made by a person with knowledge of the event
25 or from information transmitted by a person with knowledge?

UNITED STATES DISTRICT COURT

Monica Alcalá - Direct Examination

1 A Yes.

2 Q Is it the regular practice of USAA to make such
3 records?

4 A Yes.

5 MS. DAVIDSON: Your Honor, at this time, I'd like to
6 move to admit Government's Exhibit 2 through 77. And they're
7 in order with no gaps.

8 MS. TUCCI-JARRAF: I'm sorry. I don't even know what
9 documents she's referring to. As far as the order, I'm not
10 sure which ones. Can I just briefly review which ones she's
11 trying to submit?

12 MS. DAVIDSON: Sure. These were all provided in
13 discovery.

14 MS. TUCCI-JARRAF: I'm sure they were. There was
15 just so much. I just want to be able to know what she's
16 referring to.

17 MS. DAVIDSON: 2 through 77.

18 MS. TUCCI-JARRAF: I just have a question. If she's
19 going to be going through each of these so we can see them --

20 MS. DAVIDSON: I am. I'm admitting them first so
21 that we don't have to keep going back and forth between do
22 you -- the computer versus -- so I admitted them all at once
23 and I'm going to go through each and every one of them.

24 MR. BEANE: I'd like to see them as well.

25 MS. TUCCI-JARRAF: Okay. I'm good with them.

UNITED STATES DISTRICT COURT

Monica Alcalá - Direct Examination

1 THE COURT: Ms. Davidson, would you mind bringing
2 them over to Mr. Beane? Thank you.

3 MR. BEANE: There's some pages I didn't get in my
4 discovery.

5 MS. DAVIDSON: Your Honor, we provided them all in
6 discovery.

7 THE COURT: Other than that, any objection to the
8 documents themselves?

9 MR. BEANE: Not at this point.

10 THE COURT: Then we'll admit Government's Exhibits 2
11 through 77.

12 MS. DAVIDSON: All of these documents were provided
13 in the very first discovery.

14 THE COURT: Go ahead.

15 (Government's Exhibits 2 through 77 admitted into
16 evidence.)

17 BY MS. DAVIDSON:

18 Q Okay. Let's pull up Government's Exhibit 4. You can
19 look at it on the computer or either in the book, whichever is
20 easier for you. But we'll pull it up on the computer for the
21 jury.

22 And what is Government's Exhibit 4?

23 A This is an online application for a checking account
24 for Randall Keith Beane.

25 Q Okay. And if you can -- is this the first

UNITED STATES DISTRICT COURT

Monica Alcalá - Direct Examination

1 application that was submitted by Mr. Beane to USAA Bank?

2 A Yes. This was the first account that was created and
3 opened.

4 Q Okay. If you could put the date received. Okay. So
5 that's May 19th, 2016?

6 A Yes.

7 Q And what's the e-mail address on that?

8 A It's ENALRR67@Gmail.com.

9 Q Okay. And I see there's a member number there. Is
10 that a unique identifier?

11 A Yes. When you submit your information to USAA,
12 you're given a membership number. It's a unique membership
13 number that never changes. You can't ask for a new one. But
14 this establishes you based off of your name, date of birth,
15 social that you provide to us. So that's your unique
16 identifier.

17 Q So is this unique identifier on every line of
18 business that you have with USAA Bank?

19 A Yes, it is.

20 Q So you can open ten different checking accounts,
21 savings accounts, auto loans, it all goes back to the same
22 member number?

23 A Correct. We tend to reference that instead of a
24 Social Security number for protection.

25 Q Okay. And if you could go to another section of the

UNITED STATES DISTRICT COURT

Monica Alcalá - Direct Examination

1 form, specifically where the address and Social Security are.

2 And so who is the primary applicant's name on this?

3 A Randall Keith Beane.

4 Q And what is the Social Security number?

5 A 243-39-1135.

6 Q And the date of birth?

7 A It's 9/29/67.

8 Q Okay. And let's -- does this open a checking
9 account?

10 If you could make it bigger.

11 Is this for a checking account?

12 A Yes.

13 Q And what is the checking account number that's
14 assigned to this account?

15 A It's 206953062.

16 Q And so often when there are phone calls with
17 customers, do you refer -- do people that work for USAA refer
18 to the account by the last couple of numbers?

19 A Yes. It's usually the last four numbers.

20 Q Last four numbers. Okay.

21 And let's go to funding method. And what is that?

22 A An eCheck is an ACH transaction where the member will
23 provide their routing number and account number that they want
24 us to draw the money from to open the account.

25 Q Okay. And if you can, David, go to the routing

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Monica Alcala - Direct Examination

1 number and the funding account number. Okay.

2 And so show me the funding account number. What is
3 that? Is that an account number?

4 A Right. That's the account number that's provided to
5 us and that's 48611633.

6 Q Okay. And funding routing number, what is a routing
7 number?

8 A That one designates the bank. 103112675 is actually
9 for Fort Sill.

10 Q Okay. And so how were the numbers entered into this
11 screen?

12 A That would have been entered by the member, Randall
13 Beane.

14 Q Okay. So because it -- is this all done on a
15 computer?

16 A This one is. It specifies that it was -- the
17 application was done online.

18 Q Okay. So the member, in this case, Randall Beane,
19 had to actually type the routing number?

20 A Correct.

21 Q And had to type the account number?

22 A Correct.

23 Q Okay. And what is the total funding amount that
24 opens this account?

25 A It was \$25 that was requested to open the account.

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Monica Alcala - Direct Examination

1 Q Okay. If you could go back to the normal size,
2 please.

3 And was this online account opened? Was it approved?

4 A Yes.

5 Q And in order for it to be approved, was Mr. Beane,
6 the defendant's service record checked?

7 A Yes.

8 Q And is he a former service member in the United
9 States Air Force?

10 A Yes.

11 Q Okay. Let's go to Government's Exhibit 6.

12 Okay. If you could -- what is this? Can you tell
13 from looking at it?

14 A This is an online application for a savings account
15 for Randall Keith Beane.

16 Q Okay. And what is the date that this savings account
17 is opened?

18 A It was June 10th, 2016.

19 Q Okay. And, again, the member number, is this the
20 same member number that you just -- that's always with Randall
21 Keith Beane?

22 A Yes.

23 Q And e-mail address?

24 A It's EAN -- ENALRR67@Gmail.com.

25 Q Okay. And if we could look at the Social Security

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Monica Alcala - Direct Examination

1 number on this.

2 A The social is 243-39-1135.

3 Q Same social as the last -- Government's Exhibit --
4 what was it -- 4. Right?

5 A That's correct.

6 Q Okay. Let's go to Government's Exhibit 52.

7 Can you tell what Government's Exhibit 52 is?

8 A This is an application for a checking and a savings
9 account with -- it actually has Ricky E. Beane and Randall
10 Keith Beane as coapplicants.

11 Q Okay. And it was opened on what date?

12 A June 25th, 2016.

13 Q Okay. And so this is another checking and savings
14 account that Randall Beane had?

15 A Correct.

16 Q If we could go to the member number, is it the same
17 member number?

18 A That is actually the membership number for Ricky
19 Beane, because he was considered primary on the account.

20 Q Okay. And so how is Randall Beane related to this
21 account?

22 A He's the secondary, and his membership number would
23 appear at the bottom at the next part of the application.

24 Q Okay. And is that a Randall Keith Beane number?

25 A Yes. That's his membership number.

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1 Q Okay. Let's go to Government's Exhibit 56.

2 And what is Government's Exhibit 56?

3 A This is a credit card application with Randall Keith
4 Beane as the primary, adding an authorized user of Ricky Beane,
5 Ricky E. Beane.

6 Q Okay. And when was this application taken?

7 A The application was done June 12th of 2016.

8 Q Okay. Let's look at the member number. And same
9 member number?

10 A Yes.

11 Q Same Social Security number?

12 A Yes.

13 Q Same e-mail address?

14 A Yes.

15 Q Okay. If you could go over to the service part of
16 the form, please.

17 And it says, "Branch of service, U.S. Air Force"?

18 A Correct.

19 Q "Randall K. Beane."

20 Okay. Can you go to the income of this credit card
21 application, \$90,000?

22 A Yeah.

23 Q And what -- who provided that information?

24 A That would have been provided by Randall Beane during
25 the time of the application.

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1 Q And what is a secured credit card?

2 A A secured credit card is usually offered to people
3 who have not established credit yet or maybe have bad credit
4 and we're trying to help them reestablish. In order to have a
5 secured credit card, you must have a secured CD before you can
6 get the credit card.

7 So a CD, a certificate of deposit, means that there's
8 guaranteed funds in an account, and it sits there as long as
9 you have the credit card. So if you wanted a \$500 credit card
10 to help build your credit and help make it better, you want to
11 make sure you have a \$500 CD with USAA in order to be able to
12 back it. In the event that you defaulted, we could use the
13 money to pay it off.

14 Q With this secured credit card, did Randall Keith
15 Beane purchase a CD from USAA in order to fund that secured
16 credit card?

17 A Yes.

18 Q And so let's move onto Government's Exhibit 53. I'm
19 sorry, 55. Let's focus on the next credit card application.

20 Okay. And what is Government's Exhibit 55?

21 A 55 is a credit card application in Randall Beane's
22 name only.

23 Q Okay. This is August 15th, 2016?

24 A Correct.

25 Q And you can focus on the bottom, David, the submit

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1 date.

2 Okay. So this is what, roughly, couple months after
3 the last credit card application?

4 A Yes.

5 Q Okay. And let's go to member number, e-mail address,
6 and Social Security. So its member number, is that Randall
7 Keith Beane's number?

8 A Yes.

9 Q Social Security number?

10 A Correct.

11 Q E-mail address?

12 A Yes.

13 Q Okay. And if we could look at Government's
14 Exhibit 55. Could you move to the income that was reported in
15 this?

16 A It's 144,264 annually.

17 Q And where did that figure come from?

18 A Mr. Beane would have provided that.

19 Q Okay. Let's move to Government's Exhibit 53.

20 What is this?

21 A This is a checking account for Randall Keith Beane.

22 Q And when was this opened?

23 A February 1st, 2017.

24 Q Okay. And it's another checking account?

25 A That is correct.

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1 Q Okay. And let's move on to Government's Exhibit --
2 was this one opened?

3 A Yes.

4 Q Okay. And that's on February --

5 A The 1st.

6 Q -- 1st, 2017?

7 A Correct.

8 Q Okay. Let's move to Government's Exhibit 54.

9 And what is this?

10 A This is another checking account submitted for
11 Randall Beane on February 1st, 2017.

12 Q Okay. And what -- on the February 1st, 2017, does
13 the address, is it different?

14 A Yes, it's different than the prior applications.

15 Q And what is the address on these applications?

16 A These, it's 300 State Street, Apartment 365.

17 Q Okay. So on February 1st, 2017, he opened two more
18 checking accounts?

19 A Yes.

20 Q Okay. And let's go to Government's Exhibit 57.

21 What is Government's Exhibit 57?

22 A This is a bank account statement for Randall Beane's
23 account number ending in 3062 from June 20th of 2016 to
24 July 19th, 2016.

25 Q Okay. And is this for the -- what we call his

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1 primary account number, the first one he opened, 3062?

2 A Yes. That was the first one that was opened.

3 Q And in your investigation, is this the checking
4 account that Mr. Beane primarily used?

5 A Yes.

6 Q Okay. And so this is for the time period June 20th,
7 2016 to July 19th, 2016?

8 A Correct.

9 Q Okay. Let's look at the deposits. This is for a
10 month. Right?

11 A Yes.

12 Q Okay. And let's go down and look at some of the
13 actual deposits in here. Okay. And if you could identify some
14 of those deposits?

15 A We've got a couple of payroll deposits from Advantage
16 Innovation on July 6 for \$2,783.62 and then again July 13 for
17 \$2,235.29.

18 Q Okay. And on this -- on this statement, there is a
19 CD purchase. Is this the purchase that he made to secure that
20 secured credit card we just reviewed?

21 A That is correct.

22 Q And so did you research to see how he purchased this
23 CD?

24 A Yes.

25 Q And how did he do it?

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1 A It was online and it was the request to draw funds
2 from his -- on that one, I believe it was from his external
3 account, \$250.

4 Q Okay. So he created this CD himself online?

5 A Yes.

6 Q And that was for \$250 initially?

7 A Correct.

8 Q Okay. Let's go to Government's Exhibit 58.

9 And what is this?

10 A This is a checking account statement for the account
11 ending in 3062 from July 19th, 2016 to August 18th, 2016.

12 Q Okay. And let's scroll down and look at the
13 deposits. And total deposits over 15,000?

14 A Correct.

15 Q And if you could scroll down to look at -- okay.

16 So what is a NSF fee?

17 A NSF is insufficient funds. It means you attempted to
18 have a payment to come through and there was not enough funds.
19 So bounced check, bounced payment, something where you
20 attempted to pay another person and there was not enough money
21 to cover it.

22 Q Okay. So on his checking account statement from
23 July 19th, 2016 to August 18th, 2016, he's got a bounced check,
24 even though he has \$15,000 in deposits?

25 A That's correct.

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1 Q Okay. And does this statement also reflect that he's
2 had multiple bounced checks throughout this year?

3 A Yes. So we give you how many -- the information is
4 how many you've had for the month and how many you've had for
5 the year to date.

6 Q Okay. Let's go to Government's Exhibit 59.

7 And when is this for?

8 A This is the account ending the 3062 for Randall Beane
9 from August 18th, 2016 to September 19th, 2016.

10 Q Okay. And if you could scroll down and look at the
11 next part of the statement.

12 What are the total amount of deposits?

13 A It's \$16,697.14.

14 Q Okay. Continue to scroll down, please.

15 And this month of August 18th to September 19th,
16 another insufficient funds charge?

17 A Correct.

18 Q Okay. Let's go to Government's Exhibit 61.

19 What is Government's Exhibit 61?

20 A A statement for the account ending in 3062 for
21 Randall Beane from October 18th, 2016 to November 17, 2016.

22 Q Okay. If you could look at the deposits.

23 More than \$13,000 worth of deposits?

24 A Correct.

25 Q Okay. Let's go to Government's Exhibit 62. The

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1 same -- this is for November to December of 2016?

2 A That's correct.

3 Q Same account number?

4 A Yes.

5 Q Let's look at the deposits again, 12,000. And if you
6 could continue down on the insufficient funds statement.

7 So there's another bounced check this month?

8 A Yes.

9 Q So total for the year \$116?

10 A Correct.

11 Q Okay. Let's go to Government's Exhibit 63.

12 What is Government's Exhibit 63?

13 A It's for the next month. It's account ending in 3062
14 for December 19th, 2016 to January 18th, 2017.

15 Q Okay. And I notice on this one that he has a new
16 address. What's the address on this statement?

17 A 300 State Street, Apartment 365.

18 Q Okay. And let's scroll down just to look at his
19 deposits.

20 \$12,000 in deposits?

21 A Yes.

22 Q Okay. Let's go to 65.

23 Okay. This is February to March 2017?

24 A Correct.

25 Q Okay. If we could scroll down to the -- what's the

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1 total number of deposits?

2 A \$21,965.25.

3 Q Okay. And scroll down, please. Another bounced
4 check?

5 A One bounced check, yes.

6 Q Let's go to Government's Exhibit 66.

7 What statement is this?

8 A This is March 17th, 2017 to April 18, 2017.

9 Q Let's just go straight to the insufficient funds. So
10 he has two more this month?

11 A Yes.

12 Q Okay. Government's Exhibit 67.

13 And April to May, 2017?

14 A Correct.

15 Q Okay. Go straight to the insufficient funds. Two
16 more?

17 A Yes.

18 Q Government's Exhibit 68.

19 Okay. What's the time period of this?

20 A May 18th, 2017 to June 19th, 2017.

21 Q And total deposits over \$13,000?

22 A Correct.

23 Q And three more bounced checks?

24 A Correct.

25 Q So the total for this year as of June 19th, 2017 is

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1 \$232?

2 A Yes.

3 Q Let's go to Government's Exhibit 69.

4 And what's the time period of this?

5 A June 19th, 2017 to July 18th, 2017.

6 Q Okay. And what's the total amount of deposits?

7 A \$2,553,137.69.

8 Q What's the balance at the close of this statement?

9 A The account is overdrawn at \$513,186.27.

10 Q Okay. So we'll come back to this.

11 Okay. So besides credit cards and checking accounts
12 and savings accounts, multiple checking accounts, did Randall
13 Beane have any other loans with USAA Bank?

14 A He had four consumer loans with us.

15 Q Okay. Let's go to Government's Exhibit 70.

16 What is Government's Exhibit 70?

17 A 70 is an application for a consumer loan for Randall
18 Beane.

19 Q Okay. If you could focus on the borrower, please.
20 Randall Beane, State Street, Knoxville, Tennessee?

21 A Yes.

22 Q Okay. And what's the amount of this loan?

23 A This loan amount was \$10,998.88.

24 Q What is it for?

25 A This was for a 2002 Ford Excursion was the

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1 collateral.

2 Q Okay. Government's Exhibit 72.

3 And Randall Beane?

4 A Correct.

5 Q And what was the amount?

6 A 4,500.

7 Q Okay. And what was it for?

8 A The collateral was a 1998 Ford F150.

9 Q Okay. Government's Exhibit 74.

10 Randall Keith Beane?

11 A Yes.

12 Q What's the amount?

13 A \$16,847.23.

14 Q Okay. And what's it for?

15 A This was for the purchase of a 2010 Lincoln
16 Navigator.

17 Q Okay. Government's Exhibit 76.

18 Randall Keith Beane?

19 A Yes.

20 Q What's the amount of the loan?

21 A \$7,875.

22 Q And what's this one for?

23 A The collateral is a 2007 Lincoln.

24 Q Okay. I'm going to direct your attention to

25 July 3rd, 2017. And we recently looked at his checking account

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1 statement of that relevant time period.

2 Can a member call USAA Bank?

3 A Yes.

4 Q And how does that work?

5 A If they have questions, concerns, problems, they just
6 want to ask about different things, they can just call up the
7 1-800 number and ask for a specific department.

8 Q Okay. Does USAA make recordings of these calls?

9 A They do.

10 Q Do they make recordings of all calls?

11 A No, not all calls are recorded.

12 Q Is it kind of random?

13 A It's randomly designated.

14 Q Are the calls made at the time the call was made --
15 let me restate that.

16 Was the recording made at the time the calls were
17 made?

18 A Yes.

19 Q Okay. And how are they stored?

20 A They're stored in a database that is used for the
21 normal course of business.

22 Q Okay. And did you search that database and pull all
23 calls by a member Randall Keith Beane between July 3rd, 2017
24 and July 10th, 2017?

25 A Yes, I did.

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1 Q And are those recordings kept in the ordinary course
2 of USAA's business?

3 A Yes, they are.

4 Q And did you review those conversations?

5 A I did.

6 Q And we listened to each of those exhibits, 81, 82,
7 83, 84, 85, 86, 87, 88, 89, and 90 last night in my office?

8 A Correct.

9 Q And these are your initials on this CD?

10 A Yes.

11 Q And so are these exhibits accurate of the recordings
12 that were kept on USAA database?

13 A Yes.

14 MS. DAVIDSON: Your Honor, at this time, I'd like to
15 admit Government's Exhibit 81, 82, 83, 84, 85, 86, 87, 88, 89,
16 and 90.

17 THE COURT: So admitted.

18 (Government's Exhibits 81 through 90 admitted into
19 evidence.)

20 BY MS. DAVIDSON:

21 Q Okay. I'm going to show you what's marked as
22 Government's Exhibit 3.

23 What is Government's Exhibit 3, if you could explain
24 it to the jury?

25 A Those are transactions that were done on account

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1 ending in 3062.

2 Q Okay. And is this the online statement of a checking
3 account that was ending -- his primary checking account?

4 A This was the information that you'd be able to see
5 online, yes.

6 Q Okay. And so this is the 3062 account number?

7 A Yes.

8 Q And this is just like the checking account
9 information that we just saw, what was it, Government's
10 Exhibit -- Government's Exhibit 69?

11 A Yes.

12 Q So 3 is basically the online statement of
13 Government's Exhibit 69, that checking account statement that I
14 just showed you?

15 A Correct.

16 Q Okay. So let's play at this time for the jury
17 Government's Exhibit 81.

18 And this is a recording made on July 3rd, 2017. Is
19 that correct?

20 A Yes.

21 (Audio played in open court; not reported.)

22 BY MS. DAVIDSON:

23 Q Okay. And so let's go back to Government's
24 Exhibit 3. And so if you could scroll down to 7/3/2019 on
25 this -- I mean, '17. 7/3/2017. I'm sorry. You went too far.

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1 Okay. So on -- what can you see that happened on
2 7/3?

3 A These are loan payments that were made.

4 Q No. Just -- you stopped where I wanted you to. Go
5 back down, the loan payments. Yeah.

6 Okay. So these loan payments that he references in
7 the phone call are -- he does actually make payments, you can
8 tell that by this online statement?

9 A Right. So those were the payments that were made to
10 catch up the loans.

11 Q Okay. And he does that with his actual money that's
12 in that account?

13 A Correct.

14 Q Okay. Tell me what -- tell me about adding a funding
15 account. What does that mean?

16 A So if you are wanting to add an external bank account
17 to pay your bills, transfer money, you would do that on the
18 funds transfer.

19 So for instance, if I have a Bank of America account
20 as well as USAA, and I want to be able to transfer back and
21 forth or to use it to pay my bills, I would log on, add the
22 routing number and the account number to the USAA app to have
23 it for future use.

24 Q Okay. And on July 3rd, 2017, did Randall Beane add a
25 funding account to the USAA website?

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1 A Yes.

2 Q And what did he call this funding account?

3 A It was listed as trust.

4 Q Okay. And what was the routing number of that
5 funding account?

6 A I don't have the exact number, but it was for the
7 Federal Reserve Bank.

8 Q And what was the account number?

9 A The account number was Randall Beane's Social
10 Security number.

11 Q So his actual -- his actual Social Security number?

12 A Yes.

13 Q So Federal Reserve routing number and then his actual
14 Social Security number on July 3rd?

15 A Correct.

16 Q Okay. And so once he added that funding account,
17 what did he do?

18 A He used that account to pay -- to completely pay off
19 the four loans, to pay off his credit card, and to pay his auto
20 insurance in full.

21 Q Okay. And so he added this account, and then made
22 all these payments. Is that an instantaneous process? Does --
23 when he adds this account, is the money immediately sucked out
24 of whatever he put on the website?

25 A The account is added. And to pay your bills, it

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1 automatically credits all of the different bills. So
2 automatically it assumed that the loan was paid off, that the
3 credit cards were good, and that the insurance was paid in
4 full.

5 Q Okay. But it doesn't immediately withdraw money from
6 the Federal Reserve?

7 A No. No.

8 Q Okay.

9 A If we're pulling money from an external bank, it can
10 take a couple of days.

11 Q Okay. And that's -- what kind of transaction is
12 that?

13 A That's called an ACH.

14 Q An ACH transaction. And what -- how many -- what's
15 the closing time of most ACH transactions?

16 A We submit the requests at the end of the business
17 day. So 8:00 p.m. is when we batch everything. So it can take
18 anywhere from two to ten days for the other bank to receive it
19 and give us the money that we're requesting.

20 Q Okay. But with USAA members, you immediately credit
21 their payment?

22 A Yes.

23 Q Even before you have the money?

24 A Yes. It goes back to we try to take care of our
25 members who are active military, so we try to take care of them

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1 as fast as possible.

2 Q Okay. So let's go to Government's Exhibit 44.

3 THE COURT: Let's do this. I don't know what the --
4 a really good stopping point is. I know this --

5 MS. DAVIDSON: This is as good as any.

6 THE COURT: Let's go ahead and stop for the
7 afternoon. I have a couple matters to take up outside the
8 presence of the jury. We'll excuse the members of the jury and
9 we'll plan to pick back up with this witness tomorrow, which is
10 Wednesday, January 24 at 9:00 a.m.

11 Just a couple reminders with respect to any -- if you
12 are using your notepad and taking notes, leave them in the jury
13 room at your seat and they'll be secured for the evening.

14 Just a reminder as you heard me state earlier today,
15 don't talk about the case among yourselves or with anyone else,
16 and continue to keep an open mind about the case as you hear
17 all the evidence in this case over the next several days. To
18 the extent that there is any news reporting of this case,
19 refrain from reading anything or listening to anything that may
20 be said in the media about this case to the extent it might be.

21 So with those instructions in mind, I wish everyone a
22 pleasant evening, and we'll see you back here tomorrow.

23 The jury is excused.

24 (Jury out at 4:55 p.m.)

25 THE COURT: Thank you. The witness may be excused

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1 for the day. Be back here tomorrow morning. Everyone can sit
2 down a moment.

3 Just a couple of quick things. One, I may or may not
4 have discussed that last week, but if you notice when one side
5 or the other, in this case, the government asks to introduce a
6 document, my normal course of action is to pause and look at --
7 in this case, the defendants and to give you the chance to
8 object, and if I don't hear anything or see anything, then I'll
9 admit the document. I would do the same thing with any
10 documents that the defendants seek to introduce with respect to
11 their case.

12 The other thing I was going to bring up real quickly,
13 Ms. Tucci-Jarraf, I know you -- I understand you were a little
14 late getting here, pushed for time getting here because of one
15 of your conditions of release, which I guess restricts you to
16 your residence until 8:00 a.m. in the morning. Is that
17 correct?

18 MS. TUCCI-JARRAF: Yes. I've actually addressed that
19 a number of times with Shirley, with -- even mentioned -- I'm
20 not sure if I mentioned it on the 12th, but every other time
21 I've mentioned that in court for the court hearings to try to
22 get a -- how do you say -- to be able to leave early, get
23 permission early to leave.

24 THE COURT: Well, now that --

25 MS. TUCCI-JARRAF: It's really hard for me to leave

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1 from Oakland -- or Oak Ridge to get here from eight at
2 rush-hour traffic.

3 THE COURT: What time would you -- what time would be
4 best, 7:00 a.m., 7:30?

5 MS. TUCCI-JARRAF: I would prefer 7:00 a.m.

6 THE COURT: All right. We'll --

7 MS. TUCCI-JARRAF: That way I can be here.

8 THE COURT: We'll do this --

9 MS. TUCCI-JARRAF: Thank you.

10 THE COURT: -- in fact, Ms. Norwood has drafted
11 something -- since we changed the one condition release related
12 to avoiding contact, except that the defendants may meet for
13 purposes of trial preparation in the presence of elbow counsel
14 and coordinate with the U.S. Marshals Service, so we've got
15 that in writing. And the second one we'll modify bond
16 condition to 7P to the curfew being -- instead of 8:00 p.m. to
17 8:00 a.m., from 8:00 p.m. to 7:00 a.m. and during -- during the
18 course of the trial. And then we can assess it, if we need to,
19 after that.

20 All right. So if, Ms. Norwood, you can make that --
21 add that additional language. And then you can look at that,
22 get it signed. But the Court is orally changing your condition
23 of release during the course of the trial from 8:00 a.m.,
24 backing it up to 7:00 a.m. And then if you-all want to wait
25 around to maybe sign it and can get the probation officer to

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1 sign it. But if for some reason it doesn't get signed today,
2 that starts tomorrow at 7:00 a.m. during the course of the
3 trial.

4 All right. Unless there's anything else, we'll see
5 everybody back here at 9:00 a.m.

6 Mr. Lloyd?

7 MR. LLOYD: Your Honor, two things. One, a
8 housekeeping matter. May we leave some of this material here
9 overnight?

10 THE COURT: Yes. We don't have anything else
11 scheduled tomorrow.

12 MR. LLOYD: The other thing is, I noticed that the
13 exhibits that have gone in most recently do have identifying
14 information on them, such as Social Security numbers. I wanted
15 to ask the Court how the Court anticipates handling compliance
16 with the redaction policy of the district.

17 THE COURT: Government have any thoughts in that
18 regard?

19 MS. DAVIDSON: Your Honor, in this case, the Social
20 Security number is very important, which is why we did not
21 redact them prior to trial. I am aware of the policy of the
22 Court, and we are planning to redact the transcript before it
23 is written up. But, unfortunately, I believe that his Social
24 Security number is very important for our exhibits and needs to
25 be unredacted.

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1 THE COURT: So why don't -- let me think about that.
2 I mean, I understand the government's position and I hear their
3 response. So why don't y'all think about that response and we
4 can talk about it tomorrow if we need to.

5 MR. LLOYD: Yes, Your Honor.

6 THE COURT: Thank y'all. Everyone have a pleasant
7 evening.

8 THE COURTROOM DEPUTY: All rise. This honorable
9 court stands in recess until Wednesday, the 24th, at 9:00 a.m.

10 (Proceedings recessed at 5:00 p.m.)
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UNITED STATES DISTRICT COURT

CERTIFICATE OF REPORTER

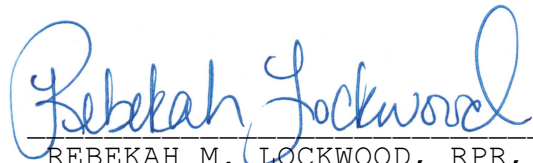
STATE OF TENNESSEE

COUNTY OF KNOX

I, Rebekah M. Lockwood, RPR, CRR, do hereby certify that I was authorized to and did stenographically report the foregoing proceedings; and that the foregoing pages constitute a true and complete computer-aided transcription of my original stenographic notes to the best of my knowledge, skill, and ability.

I further certify that I am not a relative, employee, attorney, or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorneys or counsel connected with the action, nor am I financially interested in the action.

IN WITNESS WHEREOF, I have hereunto set my hand at Knoxville, Knox County, Tennessee this 22nd day of April, 2018.



REBEKAH M. LOCKWOOD, RPR, CRR
Official Court Reporter
United States District Court
Eastern District of Tennessee